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Washington, Tuesday, March 23, 1943

The President

EXECUTIVE ORDER 9316

AMENDING SECTION 8 OF EXECUTIVE ORDER NO. 8942 OF NOVEMBER 19, 1941, ENTITLED "PROVIDING FOR THE ADMINISTRATION OF THE REQUISITIONING OF PROPERTY REQUIRED FOR NATIONAL DEFENSE"

By virtue of the authority vested in me by the Constitution and the statutes of the United States, and particularly by the act of October 16, 1941 (55 Stat. 742), it is hereby ordered that section 8 of Executive Order No. 8942 of November 19, 1941, providing for the administration of the requisitioning of property required for national defense, be, and it is hereby, amended to read as follows:

"8. Reports of operations under the said act of October 16, 1941 shall be submitted to the President by the War Production Board once every six months."

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
March 19, 1943.

[F. R. Doc. 43-4334; Filed, March 20, 1943;
11:41 a. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter XI—Food Distribution Administration

[Revocation of Food Directive 1]

PART 1400—DELEGATION OF AUTHORITY

DELEGATION OF AUTHORITY WITH RESPECT TO RATIONAL CONTROL OF PROCESSED FOODS

Pursuant to the authority vested in me by Executive Order 9280, dated December 5, 1942, *It is hereby ordered*, as follows: Food Directive No. 1, issued January 16, 1943 (8 F.R. 827), having been superseded by Food Directive No. 3, issued February 15, 1943 (8 F.R. 2005), and Food Directive No. 5, issued February 20, 1943 (8 F.R. 2251), is hereby revoked.

With respect to violations of regulations issued under said Food Directive No. 1, or rights accrued, liabilities in-

curred, or appeals taken under said Food Directive No. 1 prior to the effective time of the revocation of said directive, said Food Directive No. 1 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

This revocation of Food Directive No. 1 shall become effective March 20, 1943.

(E.O. 9280, 7 F.R. 10179)

Issued this 20th day of March 1943.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43-4358; Filed, March 20, 1943;
5:15 p. m.]

[Food Directive 5, Am. 1]

PART 1400—DELEGATIONS OF AUTHORITY

DELEGATION OF AUTHORITY WITH RESPECT TO RATIONING OF PROCESSED FOODS

Pursuant to the authority vested in me by Executive Order 9280, dated December 5, 1942, Food Directive No. 5, § 1400.5, issued February 20, 1943 (8 F.R. 2251), is amended by deleting therefrom the provisions of paragraph (c), and inserting in lieu thereof the following:

(c) As used in this directive, the term "processed foods" means and includes:

(1) All fruit, fruit juices, vegetables, vegetable juices, soups, baby foods of all kinds, and milk, packed in hermetically sealed containers of any type.

(2) All fish or shellfish or any part of them, fish roe, including caviar, and any edible product containing more than twenty per cent, by weight, of any of these items, packed in hermetically sealed containers of any type.

(3) All jams, jellies, preserves, fruit butters, pickles, and relishes.

(4) All frozen fruits and vegetables.

(5) All dried and dehydrated fruits and vegetables.

(6) All dried and dehydrated soups, including but not limited to meat, poultry, or vegetable bouillon cubes.

(7) All combinations of any of the foregoing with meat.

(8) All combinations of any of the foregoing.

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* 6 F.R. 5909.



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This amendment shall become effective March 20, 1943.

(E.O. 9280, 7 F.R. 10179)

Issued this 20th day of March 1943.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43-4359; Filed, March 20, 1943;
5:15 p. m.]

[Food Directive 6]

PART 1400—DELEGATIONS OF AUTHORITY
DELEGATION OF AUTHORITY WITH RESPECT TO
RATIONING OF FATS AND OILS, AND CHEESE

Pursuant to the authority vested in me by Executive Order 9280, dated December 5, 1942, and in order to enable the Office of Price Administration to undertake, administer, and enforce rationing programs with respect to fats and oils, and cheese: *It is hereby ordered*, As follows:

§ 1400.6 Food Directive 6; control over fats and oils, and cheese. (a) In order to permit the efficient rationing of fats and oils, and cheese; fats and oils, and cheese are hereby declared to be rationed food for the purposes of Food Directive No. 3 (8 F.R. 2005). The Office of Price Administration is authorized to exercise all the powers delegated to it by Food Directive No. 3, subject to the terms and conditions thereof, with respect to all fats and oils, and cheese.

(b) As used in this directive:

(1) The term "fats and oils" means all glycerides of the higher fatty acids, liquid or solid, and includes, without limitation, all animal, marine animal, vegetable fats and oils, and butter.

(2) The term "cheese" means the edible product made from the milk, cream, or whey of cows or other animals by any process of coagulation followed by a partial separation of the coagulum or curd from the liquid or whey and with or without further treatment, or by a mechanical process of forming a liquid or plastic emulsion or mixture of milk or any part of milk with added milk solids, whether accompanied by a process of coagulation and separation of the coagulum or not, and with or without further treatment. The term includes any edible product containing 30 percent or more (by weight) of cheese as used herein.

(c) This Food Directive No. 6 shall become effective March 20, 1943.

(E.O. 9280, 7 F.R. 10179)

Issued this 20th day of March 1943.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43-4360; Filed, March 20, 1943;
5:15 p. m.]

[Food Directive 7]

PART 1400—DELEGATIONS OF AUTHORITY
DELEGATION OF AUTHORITY WITH RESPECT TO
RATIONING OF MEATS

Pursuant to the authority vested in me by Executive Order No. 9280, dated De-

cember 5, 1942, and in order to enable the Office of Price Administration to undertake, administer, and enforce rationing programs with respect to meats, *It is hereby ordered*, As follows:

§ 1400.7 Food Directive 7; control over meats. (a) In order to permit the efficient rationing of meats, meats are hereby declared to be rationed food for the purposes of Food Directive No. 3 (8 F.R. 2005). The Office of Price Administration is authorized to exercise all the powers delegated to it by Food Directive No. 3, subject to the terms and conditions thereof, with respect to all meats.

(b) This directive supersedes the delegation of authority to the Office of Price Administration made by War Production Board Directive No. 1, issued by the Chairman of the War Production Board on January 24, 1942 (7 F.R. 562), and by Supplementary Directive 1-M, issued September 12, 1943 (7 F.R. 7234), to the extent that such Directive and Supplementary Directive confer authority with respect to control over meats: *Provided, however*, That all action heretofore taken by the Office of Price Administration under such directive and supplementary directive (including, without limitation, regulations or orders heretofore issued) relating to control over meats is in all respects hereby ratified and confirmed, and the authority delegated by such directive and supplementary directive shall continue to remain in full force and effect with respect to all such action for all purposes, including the purpose of allowing or sustaining any suit, action, prosecution, or administrative or other proceeding heretofore or hereafter commenced with respect to any violation heretofore committed or right or liability heretofore incurred under or pursuant to the terms thereof.

(c) As used in this directive, the term "meats" means and includes the carcass or any edible part of the carcass of cattle, calves, sheep, lamb, or swine, and including edible offal, bones and skins, and any other edible product containing more than 20 percent, by weight, of any of those items.

(d) The provisions of this Food Directive No. 7 shall become effective March 20, 1943, except that the provisions of paragraph (b) hereof shall become effective April 1, 1943.

(E.O. 9280, 7 F.R. 10179)

Issued this 20th day of March 1943.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43-4361; Filed, March 20, 1943;
5:15 p. m.]

[FDO 31]

PART 1460—FATS AND OILS

RESTRICTIONS ON USE, PROCESSING, CONSUMPTION, AND DELIVERY OF OITICICA OIL

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and to assure an ade-

quate supply and efficient distribution of oiticica oil to meet war and essential civilian needs, *It is hereby ordered*, As follows:

§ 1460.6 Delivery, use and distribution of oiticica oil; restricted—(a) Definitions. When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "oiticica oil" means that oil obtained from the oiticica nut, commonly known as oiticica oil and includes cacahuananche oil from the cacahuananche nut, and laceta oil from the laceta nut and other similar types of oil obtained from other oil bearing nuts or seeds, whether crude (solid) or refined (liquefied), but not including any quick bodying (QB) oil.

(2) The term "person" means any individual, partnership, corporation, association, or other business entity.

(3) The term "producer" means any person engaged in the production of oiticica oil and includes any person who has oiticica oil produced for him pursuant to toll agreement.

(4) The term "distributor" means any person who has purchased or purchases oiticica oil for purposes of resale.

(5) The term "Director" means the Director of Food Distribution, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by such Director.

(b) Restrictions on delivery, use, and processing. (1) No person shall accept delivery of, use, or process oiticica oil except as specifically authorized or directed by the Director.

(2) Authorizations or directions with respect to deliveries, use, and processing in each calendar month will, so far as practicable, be issued by the Director prior to the commencement of such month, but the Director may at any time at his discretion, and notwithstanding the provisions of paragraphs (c) and (d) hereof, issue directions with respect to deliveries to be made or accepted or with respect to the use or uses which may or more not be made of oiticica oil to be delivered or then on hand. He may also at any time issue directions to producers with respect to the grade of oiticica oil which they may manufacture.

(3) Each person specifically authorized to accept delivery of oiticica oil shall use such oil for the purposes authorized and only for such purposes, except as otherwise specifically directed by the Director.

(4) Oiticica oil allocated for inventories shall not be used or processed except as specifically directed by the Director. Oiticica oil allocated: (i) To fill a specified order, or (ii) To be used for a specified end use during a specified month, shall revert to inventories where and to the extent that the oil so allocated is not used for the specific order or the specific end use.

(c) Exceptions to requirements for specific authorization. Notwithstanding the provisions of paragraph (b) (1)

hereof, specific authorizations by the Director shall not be required for:

(1) Acceptance of delivery, use, or processing by any person in any one calendar month of 40 pounds or less of oiticica oil in the aggregate.

(2) Refining or liquefying any quantity of oiticica oil by any person but not to manufacture any quick-bodying or other processed oil, without regard to quantity.

(3) Delivery of oiticica oil by any producer or distributor to any person who shall have filed with him an authorization signed by the Director authorizing such person to accept delivery of oiticica oil in the quantity and in the period in which delivery is made.

(d) *Exceptions for small orders.* Notwithstanding the provisions of paragraph (b) (1) hereof, specific authorization by the Director shall not be required for deliveries set forth in this paragraph (d), but no producer shall make deliveries described in this paragraph without a specific authorization of the Director to make deliveries of a specific maximum quantity under this paragraph each month. Deliveries of quantities in excess of this maximum may not be made without further authorization of the Director. The application for authorization to make such delivery shall specify the maximum quantity requested for each type of delivery. The provisions of this paragraph apply to the delivery of oiticica oil by any producer or distributor to any person who shall have filed with him a certificate in substantially the following form:

The undersigned purchaser hereby certifies to the United States Department of Agriculture Food Distribution Administration and to his supplier that the oiticica oil hereby ordered for delivery in _____, 1943, does not, taken with all other oiticica oil delivered or to be delivered in such month, exceed 40 lbs., the amount which he is entitled to receive under paragraph (c) (1) of Food Distribution Order No. 31.

Name of Purchaser
By-----
Authorized Official

Title

Date

Such certificate shall be signed by an authorized official of the purchaser. The receipt of such certificate shall not authorize the delivery of oiticica oil by a producer or distributor where he knows or has reason to believe the same to be false, but in the absence of such knowledge or belief, he may rely on the certificate.

(e) *Applications for delivery, use, or processing.* (1) Each person requiring authorization to accept delivery of, use, or process oiticica oil during any calendar month, beginning with April 1943 (including a person seeking authorization to accept the delivery of oiticica oil for resale), shall file application therefor on or before the 15th day of the month preceding the month for which authorization for delivery, use, or processing is requested. Application for acceptance of delivery, use, or processing in April 1943 shall be filed as many days as possible

in advance of the requested delivery, use, or processing. In any case, such application shall be made on War Production Board Form PD-600, or such other form or forms as may be prescribed by the Director. Forms may be obtained at local field offices of the War Production Board or Regional Offices of the Food Distribution Administration, United States Department of Agriculture. Five copies shall be prepared, of which four shall be forwarded to the Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD-31, the fifth to be retained for applicant's files. For the purposes of this order, if War Production Board Form PD-600 is used, it shall be completed in the manner prescribed therein, subject to the following special instructions:

(i) In the heading, under the name of chemical, specify "oiticica oil"; under WPB Order No. specify "FD-31"; under unit of measure specify "pounds, dry weight"; in the heading of Table I insert in the blank the month and year for which authorization for acceptance of delivery, use, or processing is sought.

(ii) In the space under "supplier with whom this order is placed", state name of usual supplier and list his shipping point. If application is for authority to use, consume, or process oil from own inventory, leave these spaces blank.

(iii) In Columns 1 and 11, indicate grade in terms of the following: crude (solid) or refined (liquefied). If same grade of oil is required for more than one "primary product", or for the same "primary product" for more than one ultimate use, include quantity of grade applicable to each "primary product" or ultimate use.

(iv) In columns 3, 20, and 22, specify your primary product in terms of the following: protective coating, core oil, electrical insulation, synthetic resins, food container linings, others (specify).

(v) In Column 4 specify ultimate use of product (as for example "airplane engine castings" as opposed to "core oil", and "bomb linings" as opposed to "protective coatings" or "synthetic resins", each of which may be made of the primary product called for in Columns 3, 20, and 22); and also specify in each case whether your customer is Army, Navy, or other Government agency, Lend-Lease, or commercial customer, and give Government specification number, if any. If the application is for oiticica oil for resale or for inventory (as oiticica oil), leave Column 4 blank.

In each case where the application for authorization to use or process oiticica oil is granted, one copy signed by the Director shall be returned to the applicant; and where the application is also for authorization to accept delivery, a second copy, also signed by the Director, shall be sent to the applicant so that applicant may furnish same to the supplier selected by him.

(2) Each producer of oiticica oil shall file War Production Board Form PD-601, or such other form or forms as may be prescribed by the Director, on or before

the 15th of each month, beginning with April 1943. Forms may be obtained at local field offices of the War Production Board or Regional Offices of Food Distribution Administration, United States Department of Agriculture. Four copies shall be prepared of which three shall be forwarded to the Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD-31, the fourth to be retained in applicant's file. For the purposes of this order, if War Production Board Form PD-601 is used, it shall be completed in the manner prescribed therein, subject to the following special instructions:

(i) In the heading, under the name of chemical, specify "oiticica oil"; under WPB Order No. specify "FD-31"; under unit of measure specify "pounds", "dry weight"; in the heading "This schedule is for deliveries to be made during the month of _____, 194__", strike out the words "to be", and insert in the blank the month preceding the month in which form is filed and also indicate year;

(ii) Insert in Column 1 the words "total small order deliveries last month" and in Column 4 specify the total quantity of oiticica oil delivered by applicant in such last month pursuant to paragraphs (c) (1) and (d) hereof. In other respects Table I may, at the applicant's discretion, be left blank;

(iii) In Column 8 specify grades produced in terms of grades included in paragraph (e) (1) (iii) hereof;

(iv) In Column 9 show actual production during preceding month;

(v) In Column 10 show actual deliveries during preceding month;

(vi) In Column 11 show stocks as of first of preceding month;

(vii) In Column 12 show stocks as of first of current month;

(viii) Leave blank Columns 13-16, inclusive;

(ix) In addition to the foregoing, each producer who is a crusher of oiticica nuts, cacahauananche nuts, laceta nuts, and other nuts or seeds of similar types, shall strike out the heading of Columns 15 and 16 and insert in these Columns and in the margin; (a) Quantity of nuts received during preceding month; (b) Quantity of nuts crushed during preceding month; and (c) Quantity of nuts on hand at end of preceding month.

(3) The Director may issue other and further directions with respect to preparing and filing forms.

(f) *Records and reports.* Every person subject to this order shall maintain such records for at least two years (or for such other periods of time as the Director may designate), and shall execute and file such reports upon such forms and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe.

(g) *Bureau of the Budget approval.* The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be sub-

ject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(h) *Notification of customers.* Each supplier shall notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(i) *Existing contracts.* The restrictions of this order concerning delivery, acceptance, use, processing, and consumption of castor oil shall be observed without regard to existing contracts or any rights accrued or payments made thereunder.

(j) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of castor oil shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(k) *Audits and inspections.* Every person subject to this order shall, upon request, permit inspections, at all reasonable times, of his stocks of castor oil and premises used in his business, and all of his books, records, and accounts shall, upon request, be submitted to audit and inspection by the Director.

(l) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may petition in writing (in triplicate) for relief to the Director, setting forth all pertinent facts and the nature of relief sought. The Director may thereupon take such action as he deems appropriate and such action shall be final.

(m) *Violations.* Any person who willfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order or willfully conceals a material fact concerning a matter within the jurisdiction of any Department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under section 35a of the Criminal Code (18 U. S. C. 1940 ed. 80), under paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(n) *Communications to the Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD-31.

(o) *General Preference Order M-238 superseded.* This order supersedes in all respects General Preference Order M-238 (7 F.R. 7940) of the War Production Board; except that as to violations of said order or rights accrued, liabilities

incurred, or appeals taken under said order prior to the effective date hereof, said General Preference Order shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability. Any appeal pending under said General Preference Order shall be considered under subparagraph (1) hereof.

(p) *Territorial extent.* This order applies to all persons in the United States, its Territories and Possessions, and the District of Columbia.

(q) *Effective date.* This order shall be effective on March 24, 1943, as of 12:01 a. m., e. w. t.

(E.O. 9280, 7 F.R. 10179)

Issued this 19th day of March 1943.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43-4344; Filed, March 20, 1943;
4:06 p. m.]

[FDO 32]

PART 1460—FATS AND OILS

RESTRICTIONS ON THE USE AND DISTRIBUTION OF CASTOR OIL

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and to assure an adequate supply and efficient distribution of castor oil to meet war and essential civilian needs, it is hereby ordered, As follows:

§ 1460.4 *Use and distribution of castor oil.*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "castor oil" means that oil obtained from the castor bean, commonly known as castor oil, whether crude, raw, filtered, refined, blown, dehydrated, or otherwise processed, excluding, however, sulfonated castor oil.

(2) The term "person" means any individual, partnership, corporation, association, or other business entity.

(3) The term "producer" means any person engaged in the production of castor oil and includes any person who has castor oil produced for him pursuant to toll agreement.

(4) The term "distributor" means any person who has purchased or purchases castor oil for purposes of resale.

(5) The term "Director" means the Director of Food Distribution, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Restrictions on delivery, use, processing, and blending.* (1) No person shall deliver, accept delivery of, use, process, or blend castor oil, except as specifically authorized or directed by the Director.

(2) Authorizations or directions with respect to deliveries, use, processing, and blending in each calendar month will, so far as practicable, be issued by the Director prior to the commencement of

such month, but the Director may, at any time in his discretion, and notwithstanding the provisions of paragraphs (c) and (d) hereof, issue directions with respect to deliveries to be made or accepted, or with respect to the use or uses which may or may not be made of castor oil to be delivered or then on hand. He may also at any time issue directions to the producer with respect to the grade of castor oil which he may manufacture.

(3) Each person specifically authorized to accept delivery of castor oil shall use such oil for the purpose authorized, and only for such purpose, except as otherwise specifically directed.

(4) Castor oil allocated for inventories shall not be used, processed, or blended except as specifically directed by the Director. Castor oil allocated: (i) To fill a specified order, or (ii) To be used for a specified end use during a specified month, shall revert to inventories where and to the extent that the oil so allocated is not used for the specific order or the specific end use.

(c) *Exceptions to requirement for specific authorization.* Notwithstanding the provisions of paragraph (b) (1) hereof, specific authorization of the Director shall not be required for:

(1) Acceptance of delivery, use, processing, or blending by any person in any one calendar month of 40 lbs., or less, of castor oil in the aggregate;

(2) Pressing, bleaching, or alkali refining of castor oil by any person, without regard to quantity;

(3) The delivery of castor oil by any producer or distributor to any person who shall have filed with him an authorization signed by the Director authorizing such person to accept delivery of castor oil in the quantity and in the period in which delivery is made; or

(4) The use of castor oil, as such, for medicinal purposes or acceptance of delivery by a person for use, or resale for use, as castor oil for such purposes. This paragraph (c) (4) has no reference to the use of castor oil in the manufacture or preparation of any medicinal or pharmaceutical product, nor to the delivery to or acceptance of delivery by, any person for such use. In each of such cases, specific authorization of the Director shall be necessary under paragraph (b) (1) hereof.

(d) *Exception for small orders and medicinal use.* Notwithstanding the provisions of paragraph (b) (1) hereof, specific authorization of the Director shall not be required for deliveries set forth in paragraphs (d) (1) and (d) (2) hereof, but no producer shall make deliveries set forth in paragraphs (d) (1) and (d) (2) without a specific authorization of the Director to make deliveries of a specific maximum quantity under each of said paragraphs each month. Deliveries of quantities in excess of this maximum may not be made without further authorization of the Director. The application for authorization to make such deliveries shall specify the maximum quantity requested for each type of delivery. These provisions apply to the following deliveries:

(1) The delivery of castor oil by any producer or distributor to any person

who shall have filed with him a certificate in substantially the following form:

The undersigned purchaser hereby certifies to the United States Department of Agriculture, Food Distribution Administration, and to his supplier that the castor oil hereby ordered for delivery in _____, 1943, does not, taken with all other castor oil delivered or to be delivered in such month, exceed 40 lbs., the amount which he is entitled to receive under paragraph (c) (1) of Food Distribution Order No. 32.

Name of Purchaser	
By _____	Title _____
Authorized Official	
Date _____	

Such certificate shall be signed by an authorized official of the purchaser. The receipt of such certificate shall not authorize the delivery of castor oil by a producer or distributor where he knows or has reason to believe the same to be false, but in the absence of such knowledge or reason for belief, he may rely on the certificate;

(2) The delivery of castor oil by any producer or distributor to any person for use or resale for use as castor oil for medicinal purposes. This paragraph (d) (2) has no reference to the use of castor oil in the manufacture or preparation of any medicinal or pharmaceutical product, nor to the delivery to, or acceptance of delivery by, any person for such use. In each of such cases, specific authorization of the Director shall be necessary under paragraph (b) (1) hereof.

(e) *Applications for delivery, use, processing, or blending.* (1) Each person requiring authorization to accept delivery of, use, process, or blend castor oil during any calendar month, beginning with April 1943 (including a person seeking authorization to accept delivery of castor oil for resale) shall file application therefor on or before the 15th day of the month preceding the month for which authorization for delivery, use, processing or blending is requested. Application for acceptance of delivery, use, processing, or blending in April 1943, shall be filed as many days as possible in advance of the requested delivery, use, processing, or blending. In any case, such application shall be made on War Production Board Form PD-600, or such other form or forms as may be prescribed by the Director. Forms may be obtained at local field offices of the War Production Board or the Regional Offices of the Food Distribution Administration, United States Department of Agriculture. Five copies shall be prepared, of which four shall be forwarded to Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD-32, the fifth to be retained for applicant's files. For the purposes of this order, if War Production Board Form PD-600 is used, it shall be completed in the manner prescribed therein, subject to the following special instructions:

(i) In the heading, under name of chemical, specify "Castor oil"; under WPB Order No., specify "FD-32"; under unit of measure, specify pounds, dry weight; under "Name of your company" specify name and mailing address; and

specify the month and year for which authorization for acceptance of delivery, use, processing, or blending is sought.

(ii) In space under "Supplier with whom this order is placed" state name of usual supplier, and list his shipping point. If the application is for authority to use, process, or blend oil from own inventory, leave these spaces blank.

(iii) In Columns 1, 11, and 19, indicate grade in terms of the following: crude, raw, filtered, refined, blown, dehydrated, or otherwise processed. If otherwise processed, identify product. If same grade of oil is required for more than one "primary product" or for the same "primary product" for more than one ultimate use, include quantity of grade applicable to each "primary product" or ultimate use.

(iv) In Columns 3, 20, and 22, specify your primary product in terms of the following:

Synthetic resins
Protective coatings
Synthetic rubber
Rubber factice
Sulfonated oil
Lubricating oil additive
Medicinal and pharmaceutical preparations (identify)
Cosmetics
Hydraulic brake fluid
Textile oil (non-sulfonated base)
Real and imitation leathers
Other products (specify)
Resale (as castor oil)
Inventory (as castor oil)

(v) In Column 4, specify ultimate use of product. For example, if the "primary product" called for in Column 3 is "imitation leather", the "ultimate use" of the product might be "airplane seat". Also, specify in each case whether your customer is the Army, Navy, other governmental agency, Lend-Lease, or commercial customer, and give government specification number, if any. If the application is for castor oil for resale or for inventory (as castor oil), leave Column 4 blank.

In each case where the application for authorization to use, process, or blend castor oil is granted, one copy signed by the Director will be returned to the applicant, and where the application is also for authorization to accept delivery, a second copy, also signed by the Director, shall be sent to the applicant so that applicant may furnish same to the supplier selected by him.

(2) Each producer of castor oil shall file War Production Board Form PD-601, or such other form or forms as may be prescribed by the Director on or before the 15th day of each month, beginning with April 1943. Forms may be obtained at local field offices of the War Production Board or the Food Distribution Administration, United States Department of Agriculture. Four copies shall be prepared, of which three shall be forwarded to Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD-32, the fourth to be retained for applicant's file. For the purposes of this order, if War Production Board Form PD-601 is used, it shall be completed in the manner prescribed

therein, subject to the following special instructions:

(i) In the heading, under name of chemicals, specify "Castor oil"; under WPB Order No., specify "FD-32"; under name of company, state your name and mailing address; under unit of measure, specify pounds, dry weight; in heading "This schedule is for deliveries to be made during the month of _____, 194__", strike out the words "to be" and in the next blank insert the month preceding the month in which the form is filed, and also indicate year.

(ii) Insert in Column 1 the words, "Total small order deliveries last month", and in Column 4 specify the total quantity of castor oil delivered by applicant in such last month pursuant to paragraphs (c) (1) and (d) (1) hereof. In addition, insert in Column 1 the words "Total deliveries for use or resale as castor oil for medicinal purposes", and in Column 4, specify the total quantity of castor oil delivered by applicant in such last month pursuant to paragraph (d) (2) hereof for use or resale for such purposes. In other respects, Table I may, at applicant's discretion, be left blank.

(iii) In Column 8, specify grades produced, in terms of grade indicated in paragraph (e) (1) (iii) hereof.

(iv) In Column 9 show actual production during preceding month.

(v) In Column 10 show actual deliveries during preceding month.

(vi) In Column 11 show stocks as of first of preceding month.

(vii) In Column 12 show stocks as of first of current month.

(viii) Leave blank columns 13-16, inclusive.

(ix) In addition to the foregoing, each producer who is a crusher of castor seed shall strike out the headings to Columns 15 and 16, and insert in these columns and in margin: (a) Quantity of seed received during preceding month, (b) Quantity of seed crushed during preceding month, and (c) Quantity of seed on hand at the end of preceding month.

(f) *Notification of customers.* Each supplier shall notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(g) *Existing contracts.* The restrictions of this order concerning delivery, acceptance, use, processing, and consumption of castor oil shall be observed without regard to existing contracts or any rights accrued or payments made thereunder.

(h) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of castor oil shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(i) *Records and reports.* Every person subject to this order shall maintain

such records for at least two years (or for such other periods of time as the Director may designate), and shall execute and file such reports upon such forms and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe.

(j) *Bureau of the Budget approval.* The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(k) *Audits and inspections.* Every person subject to this order shall, upon request, permit inspections, at all reasonable times, of his stocks of castor oil and premises used in his business, and all of his books, records, and accounts shall, upon request, be submitted to audit and inspection by the Director.

(l) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may petition in writing (in triplicate) for relief to the Director, setting forth all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate and such action shall be final.

(m) *Violations.* Any person who willfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order or willfully conceals a material fact concerning a matter within the jurisdiction of any Department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under section 35a of the Criminal Code (18 U.S.C. 1940 ed. 80), under paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(n) *Communications to the Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD-32.

(o) *General Preference Order M-235 superseded.* This order supersedes in all respects General Preference Order M-235 (7 F.R. 7592) of the War Production Board except that as to violations of said order or rights accrued, liabilities incurred, or appeals taken under said order prior to the effective date hereof said General Preference Order shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability. Any appeal pending under said General Preference Order shall be considered under paragraph (k) hereof.

(p) *Territorial extent.* This order applies to all persons in the United States, its territories and possessions, and the District of Columbia.

(q) *Effective date.* This order shall be effective on March 24, 1943, as of 12:01 a. m., e. w. t.

(E.O. 9280, 7 F.R. 10179)

Issued this 19th day of March 1943.

[SEAL] PAUL H. APPLERY,
Acting Secretary of Agriculture.

[F. R. Doc. 43-4345; Filed, March 20, 1943;
4:06 p. m.]

[FDO 33]

PART 1460—FATS AND OILS

REQUIRED RECOVERY OF GLYCERINE

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and to assure an adequate supply and efficient distribution of glycerine to meet war and essential civilian needs, It is hereby ordered, As follows:

§ 1460.2 *Glycerine recovery*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "fats and oils" means all of the raw, crude, and refined fats and fatty oils and greases.

(2) The term "neutral fats or oils content" means that saponifiable portion of fats or oils at point of saponification or hydrolysis obtained by subtracting from the total weight of such fats and oils the sum of the following: free fatty acids, moisture, insoluble impurities, and unsaponifiables. Free fatty acids, moisture, insoluble impurities, and unsaponifiables shall be determined by the official methods of the American Oil Chemists Society.

(3) The term "fair average quality crude glycerine" means soap lye crude glycerine and saponification crude glycerine meeting the following specifications:

Soap lye crude glycerine:
Glycerol content—not less than 80%
Ash—not more than 10%
Organic Residue—not more than 2%
Saponification crude glycerine:
Glycerol content—not less than 88%
Ash—not more than 2%
Organic Residue—not more than 1.5%

Glycerol content, ash, and organic residue shall be determined by the official methods of the American Oil Chemists Society.

(4) The term "person" means any individual, partnership, corporation, association, or other business entity.

(5) The term "Director" means the Director of Food Distribution, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Required recovery of crude glycerine.* (1) Except as provided in paragraph (d) hereof, no person shall saponify or hydrolyze any fat or oil in any process in which glycerine is produced unless:

(i) Where glycerine is produced by the saponification of the fats and oils (soap making), the average amount of glycerol (both free and combined) remaining in the finished product, not considering glycerine produced from commercial fatty acids or vegetable oil foots, shall not be more than eight-tenths of one percent (0.8%), calculated on the anhydrous soap basis of that portion of the soap which is derived from fats and oils defined under paragraph (a) (1) hereof, but exclusive of any portion of the soap which may be made from rosin, commercial fatty acids, vegetable oil foots, and tall oil, and

(ii) Not less than 92% of the glycerol content of the spent lyes shall be recovered as crude glycerine (100% glycerol basis). The glycerol content of such spent lyes shall be considered to be the glycerol theoretically contained in the neutral fats or oils content of the stock originally used less the maximum amount of glycerol permitted in the soap.

(iii) Where the glycerine is produced by the hydrolysis of fats or oils (fat splitting), the split shall be not less than 95% complete. Not less than 94% of the glycerol content of the glycerine sweet water resulting from such splitting process shall be recovered as crude glycerine (100% glycerol basis). The glycerol content of such sweet water shall be considered to be the glycerol theoretically contained in the neutral fat or oil content of the stock originally used, less the maximum permitted amount (based on 95% split), of glycerol contained in the split fat or oil.

(c) *Required standard of refining crude glycerine.* In the refining of fair average quality crude glycerine, not less than 96% of the glycerol content of the crude glycerine shall be recovered as refined glycerine (100% glycerol basis).

(d) *Operations not subject to standard of glycerine recovery.* The provisions of paragraph (b) hereof shall not be applicable to:

(1) Any person whose consumption of fats and oils or fatty acids in the aggregate does not exceed 10,000 pounds in the calendar month;

(2) Any person whom the Director may specifically authorize to operate, on such person's establishing to the satisfaction of the Director, by letter addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD 33, that he is recovering the maximum amount of glycerine that is reasonably possible with the facilities which he has or may reasonably be expected to secure or utilize;

(3) The sulfonation of any fats and oils, alkali or acid refining of fats or oils, manufacture of lubricating greases or processing of food;

(4) The manufacture of the following medicinal soaps U. S. P. XII to fill orders for medicinal use only; saponi mollis medicinalis, linimentum saponis mollis, liquor cresolis saponatus; and the manufacture of soft soap, hospital grade, according to United States Army specification No. 4-1027A (February 5, 1941) for delivery to the United States Army.

(5) The manufacture of soap or fatty acids from raw or acidulated domestic vegetable oil foots.

(e) *Records and reports.* (1) Each refiner of glycerine, regardless of amount, and each person who saponifies or hydrolyzes more than 3,500 pounds of oils, fats, or fatty acids in any calendar or fiscal month in a process in which glycerine could be recovered (not including any operation referred to in paragraph (d) (3) hereof) shall file with the Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD 33, not later than the 20th day of the succeeding month, War Production Board Form PD-712, or such other form or forms as may be prescribed by the Director, properly executed by him. Such form PD-712 shall be filed by each person who saponifies or hydrolyzes more than such 3,500 pounds of oils, fats, and fatty acids in such month, whether or not he is exempted under paragraphs (d) (1), (d) (2), (d) (4), or (d) (5) hereof.

(2) Where a person is both a manufacturer and refiner, he shall file a separate form in each capacity.

(3) Every person subject to this order shall maintain such records for at least two years (or for such other periods of time as the Director may designate), and shall execute and file such other reports upon such forms and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe.

(f) *Bureau of the Budget approval.* The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements which may be prescribed by the Director will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(g) *Existing contracts.* The restrictions of this order concerning the recovery of glycerine shall be observed without regard to existing contracts or any rights accrued or payments made thereunder.

(h) *Effect on other orders.* Where different standards of recovery are imposed by this order and any other order or orders, the provisions of the order requiring the highest glycerine recovery shall control.

(i) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may petition in writing (in triplicate) for relief to the Director, setting forth all pertinent facts and the nature of relief sought. The Director may thereupon take such action as he deems appropriate and such action shall be final.

(j) *Violations.* Any person who willfully violates any provisions of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order or willfully conceals a material fact concerning a matter within the jurisdiction of any Department or agency of the United

States may be prohibited from receiving or making further deliveries of any material subject to allocation; and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under Section 35a of the Criminal Code (18 U. S. C. 1940 ed. 80), under paragraph 5 of Section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(k) *Audits and inspections.* Every person subject to this order shall, upon request, permit inspections, at all reasonable times, of his stocks of glycerine and premises used in his business, and all of his books, records, and accounts shall, upon request, be submitted to audit and inspection by the Director.

(l) *Communications to the Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD 33.

(m) *Conservation Order M-193 superseded.* This order supersedes in all respects Conservation Order M-193 (7 F.R. 9128) of the War Production Board, except that as to violations of said order or rights accrued, liabilities incurred, or appeals taken under said order prior to the effective date hereof, said Conservation Order shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability. Any appeal pending under said Conservation Order shall be considered under paragraph (i) hereof.

(n) *Effective date.* This order shall be effective as of the 24th day of March, 1943, at 12:01 a. m., e. w. t.

(E.O. 9280, 7 F.R. 10179)

Issued this 19th day of March 1943.

[SEAL] PAUL H. APPELBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43-4346; Filed, March 20, 1943;
4:06 p. m.]

[FDO 34]

PART 1460—FATS AND OILS

RESTRICTIONS ON USE, PROCESSING, AND DELIVERY OF GLYCERINE

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and to assure an adequate supply and efficient distribution of glycerine to meet war and essential civilian needs, *It is hereby ordered*, As follows:

§ 1460.3 *Glycerine; use, processing, and delivery restricted—*(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "glycerine" means any and all concentrations of glycerol, from whatever source derived and whether crude or refined.

(2) The term "producer" means any person engaged in the production of glycerine and includes any person who

has glycerine produced for him pursuant to toll agreement and any person who, on splitting any fat or oil, is entitled to the glycerine resulting therefrom. The term does not include any refiner of glycerine.

(3) The term "refiner" means any person engaged in the refining of glycerine.

(4) The term "distributor" means any person who has purchased or purchases glycerine for purposes of resale.

(5) The term "base period" means the calendar year 1940.

(6) The term "person" means any individual, partnership, corporation, association, or other business entity.

(7) The term "Director" means the Director of Food Distribution, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Restrictions on delivery and use.*

(1) No person shall deliver, accept delivery of, or use glycerine except as specifically authorized and directed by the Director.

(2) Authorizations or directions with respect to deliveries and use in each month will, so far as practicable, be issued by the Director prior to the commencement of such month, but the Director may, at any time at his discretion and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to be made or accepted or with respect to the use or uses which may or may not be made of material to be delivered or then on hand. He may also at any time issue directions to a producer or refiner with respect to grades of glycerine to be produced or refined.

(3) Each person who is specifically authorized to accept delivery of glycerine shall use such material for the purpose authorized, and only for such purpose, except as otherwise specifically directed by the Director or as provided in paragraph (b) (4) hereof.

(4) Glycerine allocated for inventory shall not be used except as specifically authorized or directed by the Director. Glycerine allocated to fill a specific order or class of orders shall revert to inventory where and to the extent that such order or class of orders is not, for any reason, filled.

(c) *Exceptions to requirement for specific authorization.* Notwithstanding the provisions of paragraph (b) (1) hereof, specific authorization of the Director shall not be required for:

(1) Acceptance of delivery, or use, by any person in any calendar month of 50 pounds or less of glycerine in the aggregate. For the purposes of this paragraph (c) (1), the term "person" means usual purchasing unit, whether plant, distributing agency, corporation, or other legal entity.

(2) Use by (but not delivery to) the Army or Navy of the United States, United States Maritime Commission, or War Shipping Administration, without regard to quantity.

(3) Acceptance of delivery, or use, by any person, in any calendar month of

not more than 1150 pounds of glycerine in the aggregate (but more than 50 pounds): *Provided, however*, That the quantity of which delivery may be accepted, or use made, in any calendar month shall be subject to the following additional restrictions:

(i) Where acceptance of delivery, or use, is by a hospital, clinic, research and control laboratory, or other institution whose primary object is the maintenance of public health, and where the glycerine is to be used solely by the organization accepting delivery: no further restriction;

(ii) Where acceptance of delivery is by pharmacists for use in (or use is) the individual compounding of prescriptions of doctors, dentists, or veterinarians; or where acceptance of delivery is for (or use is) the manufacture of sterile solutions, ampoules, basic medicinal chemicals not in compounded form, dental impression compounds, biological preparations, and embalming fluids: no further restriction;

(iii) Where acceptance of delivery is for (or use is) the manufacture of other medicinal or veterinary preparations: a further restriction to one hundred percent of $\frac{1}{2}$ of the quantity of glycerine used in such manufacture in the base period;

(iv) Where acceptance of delivery or use is not within (i), (ii) or (iii) hereof; a further restriction to 70 percent of $\frac{1}{2}$ of the quantity of glycerine used in the base period;

(v) Where the amount of which delivery may be accepted under paragraphs (b) (1) and (c) (3) hereof does not represent a practical shipping unit or multiple thereof, such paragraphs shall not prevent the acceptance of delivery of an amount approximating such permitted quantity: *Provided, however*, That the difference shall in no event exceed more than one small drum (approximately 550 pounds) and that the person accepting delivery shall in the next succeeding order or orders make appropriate adjustment.

(4) The delivery by any person to any other person who shall have filed with the person making delivery a certificate in substantially the following form:

The undersigned purchaser hereby certifies to the United States Department of Agriculture, Food Distribution Administration, and to his supplier (1) that he is familiar with the terms of Food Distribution Order No. 34; (2) that the _____ pounds of glycerine hereby ordered for delivery in _____ month

194__, will not, taking into consideration all other glycerine ordered for delivery in such month, exceed the quantity which he is permitted by said order to receive without a specific authorization of the Director; (3) that his purchase falls within paragraph (c) (1); paragraphs (c) (3), (i), (ii), (iii), (iv) [Strike out inapplicable paragraphs] and (4) that he has not received any specific authorization from the Director to receive or use glycerine during such month.

Name of Purchaser

By _____
Name of authorized official

Title

Date

No. 57—2

Such certificate shall be signed by an authorized official of the purchaser. The receipt of such certificate shall not authorize the delivery of glycerine by a producer or distributor when he knows or has reason to believe the same to be false, but in the absence of such knowledge or belief, he may rely on the certificate. No certificate shall be required where the amount delivered to any person does not exceed one gallon.

(5) The delivery of crude glycerine to, or acceptance of delivery of crude glycerine by, a refiner, for refining or the refining of crude glycerine.

(d) *Prohibited use.* No person shall use or consume glycerine in the manufacture of any anti-freeze product or preparation.

(e) *Applications and reports.* (1) Each person requiring authorization to accept delivery of or use glycerine during any calendar month (including a person seeking authorization to accept delivery of glycerine for resale) shall file application therefor on or before the 15th day of the month preceding the month for which authorization for delivery or use is requested. In each case the application shall be made upon War Production Board Form PD-600 or such other form or forms as may be prescribed by the Director. Forms may be obtained at regional offices of the Food Distribution Administration or local field offices of the War Production Board. Five copies shall be prepared, of which four shall be forwarded to the Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD 34, and the fifth retained as a file copy. For the purposes of this order, if War Production Board Form PD-600 is used, it shall be completed in the manner prescribed therein, subject to the following special instructions:

(i) On one of the four copies filed with the Director of Food Distribution, Tables II and III shall be left blank. An applicant seeking authorization to accept delivery or use at two or more plants shall file a separate set of Form PD-600 for each plant, unless authorized by the Director to file a consolidated application.

(ii) In the heading, under the name of chemical, specify "glycerine"; under WPB Order No., specify "FD-34"; under unit of measure, specify "pounds"; in the heading of Table I, insert in the blank the month and year for which authorization for acceptance of delivery or use is sought. Also state in the space under "supplier with whom this order is placed" the name of your usual supplier, and also list his shipping point.

(iii) In Columns 1, 11, and 19, specify grade or grades in terms of the following:

80% soap lye crude.
88% saponification crude.
Yellow distilled.
High-gravity (dynamite).
Chemically pure.
Other (describe).

(iv) In Column 3 specify your primary product in terms of the following, in each case specifying the item number listed below:

1 Drugs and pharmaceuticals.
2 Explosives.

3 Synthetic resins (specify).
4 Ester gums.
5 Rubber products.
6 Gaskets and cork products.
7 Cellulose films (specify).
8 Glassine and grease-proof paper (specify).
9 Printing rollers.
10 Printing supplies (specify).
11 Textile (printing, dyeing and finishing).
12 Leather products.
13 Adhesives (including book binding).
14 Paper other than #8.
15 Beverages, flavoring extracts, candy, and gum (specify).
16 Other edible products (specify).
17 Tobacco.
18 Cosmetics, toilet preparations, dentifrices, and shaving preparations (specify).
19 Chemical manufacture not elsewhere classified (specify).
20 Other class of product (specify).
21 Resale (as glycerine).
22 Inventory (see paragraph (b) (4)).

(V) In Column 4, specify ultimate use of product (for example, if the "primary product" called for by Column 3 is "glassine and grease-proof paper," the "ultimate use of product" might be "food wrapping"), and also specify in each case whether your customer is Army, Navy, other government agency, lend-lease, or commercial customer. If a primary product made has more than one ultimate use, indicate approximate percentage applicable to each use. Where the Form PD-600 is an application for glycerine for resale (as glycerine), or for glycerine for inventory, leave Column 4 blank.

(vi) In Column 10, specify your average monthly use of glycerine in 1940 and use in corresponding month in 1940 in each class of use for which authorization to accept delivery (or use) is sought.

(vii) Leave blank Table IV.

(viii) In each case where the application on Form PD-600 for authority to accept delivery of, or use, glycerine is granted, one copy of Form PD-600, signed by the Director, will be returned to the applicant. Where authorization is to accept delivery, a second copy will be sent by the Director to the supplier selected by the Director which will be his authorization to deliver as indicated on such copy.

(2) Each producer, refiner, or distributor who, in any month produces, refines, or delivers more than 1150 pounds of glycerine shall file with the Director on or before the 15th day of the succeeding month one copy of War Production Board Form PD-383A (revised) or such other form or forms as may be prescribed by the Director.

(3) The Director may issue other and further directions to any such person with respect to preparing and filing Forms PD-600 and PD-383A (revised).

(f) *Notification of customers.* Each supplier shall notify his regular customers, as soon as possible, of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(g) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of glycerine shall apply not only to deliveries to other persons, including affiliates and subsid-

aries, but also deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(h) *Records and reports.* Every person subject to this order shall maintain such records for at least two years (or for such other periods of time as the Director may designate), and shall execute and file such reports upon such forms and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe.

(i) *Bureau of the Budget Approval.* The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(j) *Audits and inspections.* Every person subject to this order shall, upon request, permit inspections, at all reasonable times, of his stocks of glycerine and premises used in his business, and all of his books, records, and accounts shall, upon request, be submitted to audit and inspection by the Director.

(k) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may petition in writing (in triplicate) for relief to the Director, setting forth all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, and such action shall be final.

(l) *Violations.* Any person who willfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order or willfully conceals a material fact concerning a matter within the jurisdiction of any Department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation; and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under Section 35a of the Criminal Code (18 U.S.C. 1940 ed. 80), under paragraph 5 of Section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(m) *General Preference Order M-58 superseded.* This order supersedes in all respects General Preference Order M-58 of the War Production Board (7 F.R. 10329) except that as to violations of said order or rights accrued, liabilities incurred, or appeals taken under such order prior to the effective date hereof, said General Preference Order shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability. Any appeal pending under said General Preference Order shall be considered under paragraph (k) hereof.

(n) *Communications to Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD 34.

(o) *Effective date.* This order shall be effective on March 24, 1943, as of 12:01 a. m., e. w. t.

(E.O. 9280, 7 F.R. 10179)

Issued this 19th day of March 1943.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43-4347; Filed, March 20, 1943;
4:05 p. m.]

[FDO 35]

PART 1460—FATS AND OILS

RESTRICTIONS ON THE USE AND DISTRIBUTION OF RAPESEED OIL AND MUSTARD SEED OIL

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and to assure an adequate supply and efficient distribution of rapeseed oil and mustard seed oil to meet war and essential civilian needs, *It is hereby ordered, As follows:*

§ 1460.7 *Delivery, use, and distribution of rapeseed oil and mustard seed oil restricted—(a) Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "rapeseed oil" means that oil obtained from rapeseed, commonly known as rapeseed oil (Colza oil), whether crude, raw, filtered, refined, or blown and whether or not denatured.

(2) The term "mustard seed oil" means that oil obtained from mustard seed, commonly known as mustard seed oil, whether crude, raw, filtered, refined, or blown and whether or not denatured.

(3) The term "person" means any individual, partnership, corporation, association, or other business entity.

(4) The term "producer" means any person engaged in the production of rapeseed oil or mustard seed oil and includes any person who has rapeseed oil or mustard seed oil produced for him pursuant to toll agreement.

(5) The term "distributor" means any person who has purchased or purchases rapeseed oil or mustard seed oil for purposes of resale.

(6) The term "Director" means the Director of Food Distribution, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Restrictions on delivery, use, processing, and blending.* (1) No person shall deliver, accept delivery of, use, process, or blend rapeseed oil or mustard seed oil, except as specifically authorized or directed by the Director.

(2) Authorizations or directions with respect to deliveries, use, processing, and blending in each calendar month will, so far as practicable, be issued by the Director prior to the commencement of such month; but the Director may, at

any time, at his discretion, and notwithstanding the provisions of paragraphs (c) and (d) hereof, issue directions with respect to deliveries to be made or accepted, or with respect to the use or uses which may or may not be made of rapeseed oil or mustard seed oil to be delivered or then on hand. He may also at any time issue directions to a producer with respect to the grade of rapeseed oil or mustard seed oil which he may manufacture.

(3) Each person specifically authorized to accept delivery of rapeseed oil or mustard seed oil shall use such material for the purpose authorized, and only for such purpose, except as otherwise specifically directed by the Director.

(4) Rapeseed oil or mustard seed oil allocated for inventories shall not be used, processed, or blended except as specifically directed by the Director. Rapeseed oil or mustard seed oil allocated:

(i) to fill a specified order, or

(ii) to be used for a specified end use during a specified month, shall revert to inventories where and to the extent that the oil so allocated is not used for the specific order or the specific end use.

(c) *Exceptions to requirement for specific authorization.* Notwithstanding the provisions of paragraph (b) (1) hereof, specific authorization of the Director shall not be required for:

(1) Acceptance of delivery, use, processing, or blending by any person in any one calendar month of 40 lbs. or less of rapeseed oil and mustard seed oil in the aggregate;

(2) Bleaching or alkali refining by any person of rapeseed oil or mustard seed oil, without regard to quantity; or

(3) Delivery of rapeseed oil or mustard seed oil by any producer or distributor to any person who shall have filed with him an authorization signed by the Director authorizing such person to accept delivery of rapeseed oil or mustard seed oil in the quantity and in the period in which delivery is made.

(d) *Exception for small orders.* Notwithstanding the provisions of paragraph (b) (1) hereof, specific authorization of the Director shall not be required for deliveries set forth in this paragraph, but no producer shall make deliveries described in this paragraph without specific authorization of the Director to make deliveries of a specific maximum quantity under this paragraph each month. Deliveries of quantities in excess of this maximum may not be made without further authorization of the Director. The application for authorization to make such deliveries shall specify the maximum quantity requested for each type of delivery. These provisions apply to the delivery of rapeseed oil or mustard seed oil by any producer or distributor to any person who shall have filed with him a certificate in substantially the following form:

The undersigned purchaser hereby certifies to the United States Department of Agriculture, Food Distribution Administration and to his supplier that the rapeseed oil or mustard seed oil hereby ordered for delivery in _____, 1943, does not, taken with all other rapeseed oil and mustard seed oil

delivered or to be delivered in such month, exceed 40 lbs., the amount which he is entitled to receive under paragraph (c) (1) of Food Distribution Order No. 35.

Date	By	Name of Purchaser	Authorized Official	Title
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Such certificate shall be signed by an authorized official of the purchaser. The receipt of such certificate shall not authorize the delivery of rapeseed oil or mustard seed oil by a producer or distributor where he knows or has reason to believe the same to be false, but in the absence of such knowledge or reason for belief, he may rely on the certificate.

(e) *Applications for delivery, use, processing or blending.* (1) Each person requiring authorization to accept delivery of, use, process, or blend rapeseed oil or mustard seed oil during any calendar month, beginning with April 1943 (including a person seeking authorization to accept delivery of rapeseed oil or mustard seed oil for resale), shall file application therefor on or before the 15th day of the month preceding the month for which authorization for delivery, use, processing, or blending is requested. Application for acceptance of delivery, use, processing, or blending in April 1943 shall be filed as many days as possible in advance of the requested delivery, use, processing, or blending. In any case, such application shall be made on War Production Board Form PD-600, or such other form or forms as may be prescribed by the Director. Forms may be obtained at local field offices of the War Production Board or Regional Offices of the Food Distribution Administration, United States Department of Agriculture. Five copies shall be prepared, of which four shall be forwarded to the Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref.: FD 35, the fifth to be retained for applicant's files. For the purposes of this order, if War Production Board Form PD-600 is used, it shall be completed in the manner prescribed therein, subject to the following special instructions:

(i) In the heading, under name of chemical, specify "Rapeseed Oil", or "Mustard Seed Oil"; under WPB Order No., specify "FD 35"; under unit of measure, specify "Pounds, dry weight"; and, in the heading of Table I, insert in the blank the month and year for which authorization for acceptance of delivery, use, or processing is sought.

(ii) In the space under "Supplier with whom this order is placed" state name of usual supplier, and list his shipping point. If application is for authority to use, consume, or process oil from own inventory, leave these spaces blank.

(iii) In Columns 1, 11, and 19, indicate grade in terms of the following: crude, raw, filtered, refined, blown, or otherwise processed. If otherwise processed, identify product. If same grade of oil is required for more than one "primary product", or for the same "primary product" for more than one ultimate use, include quantity of grade applicable to each "primary product" or ultimate use.

(iv) In Columns 3, 20, and 22, specify your primary products in terms of the following: lubricating oil additive, rubber factice, rubber substitutes, sulfonated oil, plasticizers, protective coatings, others (specify).

(v) In Column 4, specify ultimate use of product (as, for example, "Marine engine lubrication" as opposed to "lubricating oil additive", which may be the primary product called for in Columns 3, 20, and 22) and also specify in each case whether the customer is Army, Navy, or other governmental agency, Lend-Lease, or commercial customers, and give Government specification number, if any. If the application is for Rapeseed Oil or Mustard Seed Oil for resale or for inventory (as Rapeseed Oil or Mustard Seed Oil), leave Column 4 blank. In each case where the application for authorization to use, process, or blend rapeseed oil or mustard seed oil is granted, one copy signed by the Director shall be returned to the applicant, and where the application is also for authorization to accept delivery, a second copy also signed by the Director, shall be sent to the applicant so that applicant may furnish same to the supplier selected by him.

(2) Each producer of rapeseed oil or mustard seed oil shall file War Production Board Form PD-601, or such other form or forms as may be prescribed by the Director, on or before the 15th day of each month, beginning with April 1943. Forms may be obtained at local field offices of the War Production Board or the Food Distribution Administration, United States Department of Agriculture. Four copies shall be prepared, of which three shall be forwarded to the Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref.: FD 35, the fourth to be retained for applicant's file. For the purposes of this order, if War Production Board Form PD-601 is used, it shall be completed in the manner prescribed therein, subject to the following special instructions:

(i) In the heading, under name of chemicals, specify "Rapeseed Oil", or "Mustard Seed Oil"; under WPB Order No., specify "FD 35"; under name of company, state name and mailing address; under unit of measure, specify "pounds, dry weight"; in heading "This schedule is for deliveries to be made during the month of _____, 194__", strike out the words "to be" and insert in the next blank the month preceding the month in which form is filed, and also indicate year.

(ii) Insert in Column 1, the words "total small order deliveries last month", and in Column 4 specify the total quantity of rapeseed oil or mustard seed oil delivered by applicant in such last month pursuant to paragraphs (c) (1) and (d) hereof. In other respects, Table I may, at applicant's discretion, be left blank.

(iii) In Column 8, specify grades produced, in terms of grades indicated in paragraph (e) (1) (iii) hereof.

(iv) In Column 9, show actual production during preceding month.

(v) In Column 10, show actual deliveries during preceding month.

(vi) In Column 11, show stocks as of first of preceding month.

(vii) In Column 12, show stocks as of first of current month.

(viii) Leave blank Columns 13-16, inclusive.

(ix) In addition to the foregoing, each producer who is a crusher of rapeseed or mustard seed shall strike out the headings to Columns 15 and 16, and insert in these columns and in margin: (a) Quantity of seed received during preceding month; (b) Quantity of seed crushed during preceding month; and (c) Quantity of seed on hand at the end of preceding month.

(3) The Director may issue other and further directions with respect to preparing and filing forms.

(f) *Records and reports.* Every person subject to this order shall maintain such records for at least two years (or for such other periods of time as the Director may designate), and shall execute and file such reports upon such forms and submit such information as the Director may from time to time request or direct, and within such time as he may prescribe.

(g) *Bureau of the Budget approval.* The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(h) *Notification of customers.* Each supplier shall notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(i) *Existing contracts.* The restrictions of this order concerning delivery, acceptance, use, processing, and consumption of rapeseed oil and mustard seed oil shall be observed without regard to existing contracts or any rights accrued or payments made thereunder.

(j) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of rapeseed oil and mustard seed oil shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(k) *Audits and inspections.* Every person subject to this order shall, upon request, permit inspections, at all reasonable times, of his stocks of rapeseed oil and mustard seed oil and premises used in his business, and all of his books, records, and accounts shall, upon request, be submitted to audit and inspection by the Director.

(l) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may petition in writing (in triplicate) for relief to

the Director, setting forth all pertinent facts and the nature of relief sought. The Director may thereupon take such action as he deems appropriate and such action shall be final.

(m) *Violations.* Any person who willfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order or willfully conceals a material fact concerning a matter within the jurisdiction of any Department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation; and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under section 35a of the Criminal Code (18 U. S. C. 1940 ed. 80), under paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(n) *Communications to Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C. Ref: FD-35.

(o) *General Preference Order M-77 superseded.* This order supersedes in all respects General Preference Order M-77 (7 F.R. 7939) of the War Production Board except that as to violations of said order or rights accrued, liabilities incurred, or appeals taken under said order prior to the effective date hereof, said General Preference Order shall be deemed in full force and effect for the purpose of sustaining any proper suit, action or other proceeding with respect to any such violation, right or liability. Any appeal pending under said General Preference Order shall be considered under subparagraph (1) hereof.

(p) *Territorial extent.* This order applies to all persons in the United States, its Territories and Possessions, and the District of Columbia.

(q) *Effective date.* This order shall be effective on March 24, 1943, as of 12:01 a. m., e. w. t.

(E.O. 9280, 7 F.R. 10179)

Issued this 19th day of March 1943.

[SEAL] PAUL H. APPELBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43-4348; Filed, March 20, 1943;
4:05 p. m.]

[FDO 36]

PART 1460—FATS AND OILS

RESTRICTIONS ON USE AND DELIVERY OF CASHEW NUT SHELL LIQUID

Pursuant to authority vested in me by Executive Order No. 9280, dated December 5, 1942, and to assure an adequate supply and efficient distribution of cashew nut shell liquid to meet war and essential civilian needs, *It is hereby ordered*, As follows:

§ 1460.12 *Use and delivery of cashew nut shell liquid restricted*—(a) *Definitions.* When used in this order, unless

otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "cashew nut shell liquid" means that liquid extracted, whether in this country or abroad, from the shell of the cashew nut and containing approximately 80 percent of phenol with molecular weight of 288 and approximately 20 percent of higher molecular weight phenol.

(2) The term "person" means any individual, partnership, corporation, association, or other business entity.

(3) The term "Director" means the Director of Food Distribution, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Restrictions on use and delivery of cashew nut shell liquid.* No person shall use, deliver, or accept delivery of, cashew nut shell liquid except as hereinafter specifically authorized by the Director, upon application on War Production Board Form PD-271, or such other forms as may be prescribed by the Director: *Provided, however*, That no such specific authorization shall be required with respect to:

(1) The delivery or use of cashew nut shell liquid to fill orders bearing preference ratings issued by the War Production Board of A-2 or better for the following end products:

(i) Molding resins for insulating aviation electrical parts.

(ii) Resin solutions for impregnating electrical coils.

(2) The delivery to and use by any person of cashew nut shell liquid for the manufacture of brake linings or other friction elements pursuant to a specific contract or subcontract for the United States Army, Navy, Coast Guard, or Maritime Commission.

(3) The delivery to and use by any person of cashew nut shell liquid for the manufacture of brake linings or other friction elements for aircraft of any kind.

(4) The use of cashew nut shell liquid by any person in the manufacture of brake linings to fill orders bearing preference ratings issued by the War Production Board of A-2 or better; provided that such cashew nut shell liquid was purchased and received by such person on or before May 14, 1942.

(5) The importation of cashew nut shell liquid into the United States, its territories or possessions, the acceptance of delivery of such cashew nut shell liquid by the consignee thereof, and the delivery by such consignee to any person who purchased or contracted to purchase such cashew nut shell liquid prior to its importation: *Provided, however*, That nothing contained in this paragraph (b) (5) shall limit the requirements of General Imports Order M-63 of the War Production Board, as now or hereafter amended.

(6) The delivery of cashew nut shell liquid by or to the Commodity Credit Corporation or its authorized agents.

(c) *Existing contracts.* The restrictions of this order concerning the use and delivery of cashew nut shell liquid

shall be observed without regard to existing contracts or any rights accrued or payments made thereunder.

(d) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of cashew nut shell liquid shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(e) *Records and reports.* Every person subject to this order shall maintain such records for at least two years (or for such period of time as the Director may designate), and shall execute and file such reports upon such forms and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe.

(f) *Bureau of the Budget approval.* The specific reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Further specific record keeping or reporting requirements which may be prescribed by the Director shall be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(g) *Audits and inspections.* Every person subject to this order shall, upon request, permit inspections, at all reasonable times, of his stocks of cashew nut shell liquid, of his premises used in his business, and all his books, records, and accounts shall, upon request, be submitted to audit and inspection by the Director.

(h) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may petition in writing (in triplicate), for relief to the Director, setting forth all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate and such action shall be final.

(i) *Violations.* Any person who willfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order, or willfully conceals a material fact concerning a matter within the scope of this order may be prohibited from receiving or making further deliveries of any material subject to allocation control; and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under section 35a of the Criminal Code (18 U.S.C. 1940 ed. 80), under paragraph 5 of section 301, Title III of the Second War Powers Act, and under any and all other applicable laws.

(j) *Communications to Director.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD-36.

(k) *General Preference Order M-66 superseded.* This order supersedes in all respects General Preference Order M-66 (7 F.R. 3572) of the War Production Board, except that as to violations of said order or rights accrued, liabilities incurred, or appeals taken under said order prior to the effective date hereof, said General Preference Order shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability. Any appeal pending under said General Preference Order shall be considered under paragraph (h) hereof.

(l) *Territorial extent.* This order applies to all persons in the United States, its territories and possessions, and the District of Columbia.

(m) *Effective date.* This order shall be effective on March 24, 1943, as of 12:01 a. m., e. w. t.

(E.O. 9280, 7 F.R. 10179)

Issued this 19th day of March 1943.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43-4349; Filed, March 20, 1943;
4:05 p. m.]

[FDO 37]

PART 1460—FATS AND OILS

RESTRICTIONS ON USE, PROCESSING, AND DELIVERY OF SPERM OIL

Pursuant to authority vested in me by Executive Order No. 9280, dated December 5, 1942, and to assure an adequate supply and efficient distribution of sperm oil to meet war and essential civilian needs, *It is hereby ordered*, As follows:

§ 1460.8 *Use, processing, and delivery of sperm oil restricted*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "sperm oil" means that oil obtained from the head or body of the sperm whale, alone or combined, including sperm oil which has been winterized, pressed, distilled, deodorized, sulphated, sulphurized, sulfo-chlorinated, sulphated, blown, or otherwise physically or chemically treated, but excluding crude and refined spermaceti.

(2) The term "person" means any individual, partnership, corporation, association, or other business entity.

(3) The term "Director" means the Director of Food Distribution, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Restrictions on use, processing and delivery of sperm oil.* No person shall use, process, deliver, or accept delivery of sperm oil except as specifically authorized by the Director upon application of the user, processor, or deliverer on War Production Board Form PD-481 (or such other form or forms as may be prescribed by the Director), or except as provided in paragraph (c).

(c) *Exemptions.* Specific authorization of the Director shall not be required with respect to:

(1) The delivery by any one person of 2,000 pounds or less of sperm oil in any one calendar month in lots of not more than 100 pounds to any one person in any one calendar month.

(2) The use, processing, and acceptance of delivery of 100 pounds or less of sperm oil by any one person in any one calendar month.

(3) The delivery of sperm oil by (but not to), the acceptance of delivery by, and the use or processing of sperm oil by the United States Army, Navy, Coast Guard, Maritime Commission, or War Shipping Administration.

(d) *Restrictions on use of sperm oil in lubricating oils and greases.* (1) No person shall, in the production of lubricating or cutting oils or compounds, use sulphurized sperm oil having a sulphur content of less than ten percent (10%) by weight (including in the weight of such sulphurized sperm oil, the weight of any unsulphurized sperm oil used in conjunction therewith); and

(2) No person shall, in the production of lubricating or cutting oils or compounds, use sperm oil to an extent which will increase the sulphur content of such oil or compound to an amount in excess of that of the same grade of such oil or compound as prepared by the producer thereof, during the thirty day period immediately prior to May 16, 1942.

(e) *Existing contracts.* The restrictions of this order concerning delivery, acceptance, use, processing, and consumption of sperm oil shall be observed without regard to existing contracts or any rights accrued or payments made thereunder.

(f) *Records and reports.* (1) Each person who shall bring sperm oil into the United States, or its territories or possessions, shall file a letter with the Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD 37, within ten days after such importation, stating the port of entry, place of storage, ownership, grade and amount of such sperm oil.

(2) Every person subject to this order shall maintain such records for at least two years (or for such other periods of time as the Director may designate), and shall execute and file such reports upon such forms and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe.

(g) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of sperm oil shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(h) *Audits and inspections.* Every person subject to this order shall, upon request, permit inspections, at all reasonable times, of his stocks of sperm oil and premises used in his business, and all of his books, records, and accounts shall, upon request, be submitted to audit and inspection by the Director.

(i) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may petition in writing (in triplicate) for relief to the Director, setting forth all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, and such action shall be final.

(j) *Violations.* Any person who willfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order or willfully conceals a material fact concerning a matter within the jurisdiction of any Department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under section 35a of the Criminal Code (18 U.S.C. 1940 ed. 80), under paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(k) *Communications to Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD 37.

(l) *General Preference Order M-40 superseded.* This order supersedes in all respects General Preference Order M-40 (7 F.R. 8690) of the War Production Board, except that as to violations of said order or rights accrued, liabilities incurred, or appeals taken under said order prior to the effective date hereof said order shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right or liability. Any appeal pending under said General Preference Order shall be considered under paragraph (i) hereof.

(m) *Territorial extent.* This order applies to all persons in the United States, its territories and possessions, and the District of Columbia.

(n) *Bureau of the Budget approval.* The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(o) *Effective date.* This order shall be effective on March 24, 1943, as of 12:01 a. m., e. w. t.

(E.O. 9280, 7 F.R. 10179)

Issued this 19th day of March 1943.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43-4350; Filed, March 20, 1943;
4:05 p. m.]

[FDO 38]

PART 1460—FATS AND OILS

RESTRICTIONS ON USE, CONSUMPTION, PROCESSING, SALE AND DELIVERY OF PALM OIL

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and to assure an adequate supply and efficient distribution of palm oil to meet war and essential civilian needs, *It is hereby ordered*, As follows:

§ 1460.9 *Use, consumption, processing, sale and delivery of palm oil restricted—*

(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "palm oil" means all oils of any grade or description, heretofore known or sold as palm oil, whether crude, refined, bleached, or deodorized.

(2) The term "dealer" means any person who imports, buys, sells, or distributes palm oil.

(3) The term "person" means an individual, partnership, corporation, association, or other business entity.

(4) The term "Director" means the Director of Food Distribution, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by such Director.

(b) *General restrictions on use.* Unless specifically authorized by the Director, no person shall use or consume palm oil except in the following manufactures or processes:

(1) The manufacture of tin plate, terne plate, long terne plate, steel sheets, steel strip, and black plate;

(2) Any manufacture, process or use in which glycerine is produced in compliance with the provisions of Food Distribution Order No. 33;

(3) Any manufacture, process, or use by any person whose total use or consumption of palm oil is less than 2,000 pounds in each of the several three month periods of the year commencing on January 1, April 1, July 1, and October 1.

(c) *Restrictions on processing.* No person shall hereafter put in process or change the condition of any palm oil in preparation for any manufacture, process, or use permitted by this order except to the extent necessary for such preparation and then only in such quantities as may be necessary to meet his normal production schedule or, if such palm oil is to be manufactured or used by another person, then the normal production schedule of such other person.

(d) *Reserve.* Every person who was required by General Preference Order M-59 of the War Production Board (7 F.R. 2186) to set aside an inventory quota of palm oil shall use, put in process, sell, or deliver all or any part of such quota only upon express instruction of the Director, except that this paragraph (d) shall not be construed to prevent changing the condition of the oil so set aside to the extent necessary to prevent deterioration while carried in inventory.

(e) *Restrictions on sales and deliveries.* No person shall sell or deliver any

palm oil to any other person, except a dealer or a person using such oil in the manufactures, processes, or uses set out in paragraph (b) hereof, except as may be specifically authorized by the Director.

(f) *Intra-company transactions.* The prohibitions or restrictions contained in this order with respect to deliveries shall, in the absence of a contrary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise, to another branch, division, or section of the same or any other enterprise owned or controlled by the same person.

(g) *Existing contracts.* The restrictions of this order concerning the use, consumption, processing, sale, and delivery of palm oil shall be observed without regard to existing contracts or any rights accrued or payments made thereunder.

(h) *Records and reports.* Every person subject to this order shall maintain such records for at least two years (or for such other period of time as the Director may designate) and shall execute and file such reports upon such forms and submit such information as the Director may from time to time request or direct, and within such time as he may prescribe, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(i) *Audits and inspections.* Every person subject to this order shall, upon request, permit inspections, at all reasonable times, of his stocks of palm oil and of the premises used in his business, and all of his books, records, and accounts shall, upon request, be submitted to audit and inspection by the Director.

(j) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may petition in writing (in triplicate), for relief to the Director setting forth all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate and such action shall be final.

(k) *Violations.* Any person who wilfully violates any provisions of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order, or who wilfully conceals a material fact concerning a matter within the jurisdiction of any Department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation, and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under section 35a of the Criminal Code (18 U.S.C. 1940 ed. 80), under paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(l) *Communications to the Department of Agriculture.* All communications concerning this order shall, unless otherwise directed, be addressed to Director of Food Distribution, United

States Department of Agriculture, Washington, D. C., Ref: FD 38.

(m) *General Preference Order M-59 superseded.* This order supersedes in all respects General Preference Order M-59 of the War Production Board (7 F.R. 2186) except that as to violations of said order or rights accrued, liabilities incurred or appeals taken under said order prior to the effective date hereof, said general preference order shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right or liability. Any appeal pending under the said General Preference Order shall be considered under paragraph (j) hereof.

(n) *Territorial extent.* This order applies to all persons in the United States, its territories and possessions, and the District of Columbia.

(o) *Effective date.* This order shall be effective on March 24, 1943, as of 12:01 a. m., e. w. t.

(E.O. 9280, 7 F.R. 10179)

Issued this 19th day of March 1943.

[SEAL] PAUL H. APPELEY,
Acting Secretary of Agriculture.

[F. R. Doc. 43-4351; Filed, March 20, 1943;
4:06 p. m.]

[FDO 39]

PART 1460—FATS AND OILS

RESTRICTIONS ON USE, PROCESSING, CONSUMPTION, AND DELIVERY OF TUNG OIL

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and to assure an adequate supply and efficient distribution of tung oil to meet war and essential civilian needs, *It is hereby ordered*, As follows:

§ 1460.5 *Delivery, use and distribution of tung oil; restricted—*(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "tung oil" means that oil obtained from the tung nut, commonly known as tung oil or china wood oil, whether crude, raw, filtered, or refined.

(2) The term "person" means any individual, partnership, corporation, association, or other business entity.

(3) The term "producer" means any person engaged in the production of tung oil and includes any person who has tung oil produced for him pursuant to toll agreement.

(4) The term "distributor" means any person who has purchased or purchases tung oil for purposes of resale.

(5) The term "Director" means the Director of Food Distribution, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Restrictions on delivery, use, and processing.* (1) No person shall deliver, accept delivery of, use, or process tung oil except as specifically authorized or directed by the Director.

(2) Authorization or directions with respect to deliveries, use, and processing in each calendar month will, so far as practicable, be issued by the Director prior to the commencement of such month, but the Director may at any time at his discretion, and notwithstanding the provisions of paragraphs (c) and (d) hereof, issue directions with respect to deliveries to be made or accepted, or with respect to the use or uses which may or may not be made of tung oil to be delivered or then on hand. He may also at any time issue directions to the producer with respect to the grade of tung oil which he may manufacture.

(3) Each person specifically authorized to accept delivery of tung oil shall use such oil for the purposes authorized and only for such purposes except as otherwise specifically directed.

(4) Tung oil allocated for inventories shall not be used or processed except as specifically authorized or directed by the Director. Tung oil allocated:

(i) To fill a specified order, or

(ii) To be used for a specified end use during a specified month.

shall revert to inventories where and to the extent that the oil so allocated is not used for the specific order or the specific end use.

(c) *Exceptions to requirements for specific authorization.* Notwithstanding the provisions of paragraph (b) (1) hereof, specific authorizations by the Director shall not be required for:

(1) Acceptance of delivery, use, or processing by any person in any one calendar month of 40 lbs., or less, of tung oil in the aggregate; and

(2) The delivery of tung oil by any producer or distributor to any person who shall have filed with him an authorization signed by the Director authorizing such person to accept delivery of tung oil in the quantity and in the period in which delivery is made.

(d) *Exceptions for small orders.* Notwithstanding the provisions of paragraph (b) (1) hereof, specific authorization by the Director shall not be required for deliveries set forth in this paragraph, but no producer shall make deliveries described in this paragraph without a specific authorization by the Director to make deliveries of a specific maximum quantity under this paragraph each month. Deliveries of quantities in excess of this maximum may not be made without further authorization by the Director. The application for authorization to make such delivery shall specify the maximum quantity requested. The provisions of this paragraph apply to the delivery of tung oil by any producer or distributor to any person who shall have filed with him a certificate in substantially the following form:

The undersigned purchaser hereby certifies to the United States Department of Agriculture, Food Distribution Administration, and to his supplier that the tung oil hereby ordered for delivery in _____, 1943, does not, taken with all other tung oil delivered or to be delivered in such month, exceed 40 lbs., the amount which he is en-

titled to receive under paragraph (c) (1) of Food Distribution Order No. 39.

Name of Purchaser		
Date	By	Authorized Official
		Title

Such certificate shall be signed by an authorized official of the purchaser. The receipt of such certificate shall not authorize the delivery of tung oil by a producer or distributor where he knows or has reason to believe the same to be false, but in the absence of such knowledge or belief, he may rely on the certificate.

(e) *Applications for delivery, use, or processing.* (1) Each person requiring authorization to accept delivery of, use, or process, tung oil during any calendar month, beginning with April 1943 (including a person seeking authorization to accept the delivery of tung oil for resale), shall file application therefor on or before the 15th day of the month preceding the month for which authorization for delivery, use, or processing is requested. Application for acceptance of delivery, use or processing in April 1943 shall be filed as many days as possible in advance of the requested delivery, use, or processing. In any case, such application shall be made on War Production Board Form PD-600, or such other form or forms as may be prescribed by the Director. Forms may be obtained at local field offices of the War Production Board or the Food Distribution Administration, United States Department of Agriculture. Five copies shall be prepared, four of which shall be forwarded to the Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD-39, the fifth to be retained for applicant's files. For the purposes of this order, if War Production Board Form PD-600 is used, it shall be completed in the manner prescribed therein, subject to the following special instructions:

(i) In the heading, under the name of chemical, specify "tung oil"; under WPB Order No., specify "FD 39"; under unit of measure specify "pounds, dry weight"; in the heading of Table I in the blank insert the month and year for which authorization for acceptance of delivery, use or processing is sought.

(ii) In the space under "supplier with whom this order is placed" state name of usual supplier and list his shipping point. If application is for authority to use, consume, or process oil from his own inventory, leave these spaces blank.

(iii) In Columns 1, 11, and 19, indicate grade in terms of the following: crude or refined. If same grade of oil is required for more than one "primary product", or for the same "primary product" for more than one ultimate use, include quantity of grade applicable to each "primary product" or ultimate use.

(iv) In Columns 3, 20, and 22, specify your primary product in terms of the following: protective coating, core oil, elec-

trical insulation, synthetic resins, food container linings, others (specify).

(v) In Column 4 specify ultimate use of product (as for example "airplane engine castings" as opposed to "core oil" and "bomb linings" as opposed to "protective coatings" or "synthetic resins", each of which may be made of the primary product called for in Columns 3, 20, and 22); and also specify in each case whether your customer is Army, Navy, or other Government agency, Lend-Lease, or commercial customer, and give Government specification number, if any. If the application for tung oil for resale or for inventory (as tung oil), leave Column 4 blank. In each case where the application for authorization to use or process tung oil is granted, one copy signed by the Director will be returned to the applicant; and where the application is also for authorization to accept delivery, a second copy also signed by the Director will be sent to the applicant so that applicant may furnish same to the supplier selected by him.

(2) Each producer of tung oil shall file War Production Board Form PD-601, or such other form or forms as may be prescribed by the Director, on or before the 15th day of each month, beginning with April 1943. Forms may be obtained at local field offices of the War Production Board or the Food Distribution Administration, United States Department of Agriculture. Four copies shall be prepared of which three shall be forward to the Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD-39, the fourth to be retained in applicant's file. For the purposes of this order, if War Production Board Form PD-601 is used, it shall be completed in the manner prescribed therein, subject to the following special instructions:

(i) In the heading under the name of chemical, specify "tung oil"; under WPB Order No., specify "FD-39"; under name of company, state name and mailing address; under unit of measure, specify "pounds, dry weight"; in the heading "This schedule is for deliveries to be made during the month of _____, 194__", strike out the words "to be", and insert in the blank the month preceding the month in which form is filed and also indicate year.

(ii) Insert in Column 1 the words "total small order deliveries last month", and in Column 4 specify the total quantity of tung oil delivered by applicant in such last month pursuant to paragraph (c) (1) and (d) hereof. In other respects Table I may, at the applicant's discretion, be left blank.

(iii) In Column 8 specify grades produced in terms of grades included in paragraph (e) (1) (ii) hereof.

(iv) In Column 9 show actual production during preceding month.

(v) In Column 10 show actual deliveries during preceding month.

(vi) In Column 11 show stocks as of first of preceding month.

(vii) In Column 12 show stocks as of first of current month.

(viii) Leave blank columns 13-16, inclusive.

(ix) In addition to the foregoing, each producer who is a crusher of tung nuts shall strike out the heading of Columns 15 and 16 and insert in the columns and in the margin:

(a) Quantity of tung nuts received during preceding month;

(b) Quantity of tung nuts crushed during preceding month; and

(c) Quantity of tung nuts on hand at end of preceding month.

(3) The Director may issue other and further directions with respect to preparing and filing forms.

(f) *Records and reports.* Every person subject to this order shall maintain such records for at least two years (or for such other periods of time as the Director may designate), and shall execute and file such reports upon such forms and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe.

(g) *Bureau of the Budget approval.* The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(h) *Notification of customers.* Each supplier shall notify his regular customers as soon as possible of the requirements of this order but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(i) *Existing contracts.* The restrictions of this order concerning delivery, acceptance, use, processing and consumption of tung oil shall be observed without regard to existing contracts or any rights accrued or payments made thereunder.

(j) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of tung oil shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(k) *Audits and inspections.* Every person subject to this order shall, upon request, permit inspections, at all reasonable times, of his stocks of tung oil and premises used in his business, and all of his books, records, and accounts, shall, upon request, be submitted to audit and inspection by the Director.

(l) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may petition in writing (in triplicate) for relief to the Director, setting forth all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, and such action shall be final.

(m) *Violations.* Any person who willfully violates any provisions of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order or willfully conceals a material fact concerning a matter within the jurisdiction of any Department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation; and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under section 35a of the Criminal Code (18 U.S.C. 1940 ed. 80), under paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(n) *Communications to Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD-39.

(o) *General Preference Order M-57 superseded.* This order supersedes in all respects General Preference Order M-57 [7 F.R. 7398] of the War Production Board except that as to violations of said order or rights accrued, liabilities incurred, or appeals taken under said order prior to the effective date hereof, said general preference order shall be deemed in full force and effect for the purpose of sustaining any proper suit, action or other proceeding with respect to any such violation, right, or liability. Any appeal pending under said general preference order shall be considered under paragraph (1) hereof.

(p) *Territorial extent.* This order applies to all persons in the United States, its Territories and Possessions, and the District of Columbia.

(q) *Effective date.* This order shall be effective on March 24, 1943, as of 12:01 a. m., e. w. t.

(E.O. 9280, 7 F.R. 10179)

Issued this 19th day of March 1943.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43-4352; Filed, March 20, 1943;
4:06 p. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Food Distribution Administration

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

VERNON STOCKYARDS, VERNON, CALIF.

MARCH 18, 1943.

Notice under Packers and Stockyards Act. Whereas, the Vernon National Market and Feed Yard was posted on

¹ Modifies list posted stockyards 9 CFR 204.1.

May 16, 1939, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas, it appears that said stockyard is now known as the Vernon Stockyards, and is being operated by W. H. Felsted, doing business as Vernon Livestock Sales Company:

Now, therefore, it is ordered, That the notice of the posting of said stockyard be, and it hereby is, amended to show that the correct name of the stockyard is Vernon Stockyards, Vernon, California.

[SEAL] THOMAS J. FLAVIN,
Assistant to the Secretary
of Agriculture.²

[F. R. Doc. 43-4260; Filed, March 19, 1943;
12:07 p. m.]

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

OWEN BROTHERS UNION STOCK YARDS,
MERIDIAN, MISS.

MARCH 18, 1943.

Notice under Packers and Stockyards Act. Whereas, the Meridian Union Stock Yards was posted on October 14, 1931, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas, it appears that said stockyard is now known as the Owen Brothers Union Stock Yards, and is being operated by Owen Brothers Union Stock Yards, Livestock Commission Company:

Now, therefore, it is ordered, That the notice of the posting of said stockyard be, and it hereby is, amended to show that the correct name of the stockyard is Owen Brothers Union Stock Yards, Meridian, Mississippi.

[SEAL] THOMAS J. FLAVIN,
Assistant to the
Secretary of Agriculture.²

[F. R. Doc. 43-4261; Filed, March 19, 1943;
12:07 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 79b—WOMEN'S ARMY AUXILIARY CORPS

ORDERS

Section 79b.4 is amended as follows:

§ 79b.4 *Orders.* The WAAC service commanding director will request the commanding general of the service command to issue orders for assignment to duty, transfer, or other changes in status of members of the WAAC. Orders for detached service will be issued by the headquarters authorized to issue such orders for Army personnel at stations where WAAC personnel are assigned. (Act of

² Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 7 F.R. 2656).

May 14, 1942, Public Law 554, 77th Congress) [Par. 10, Women's Army Auxiliary Corps Regulations (Tentative) May 28, 1942, as amended by WAAC Cir. 6, March 13, 1943]

[SEAL]

H. B. LEWIS,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 43-4337; Filed, March 20, 1943;
11:44 a. m.]

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

CONTRACT CLAUSES RELATING TO TAXES

Sections 81.357 and 81.358 are amended as follows:

§ 81.357 *Tax articles in fixed price (lump sum) contracts*—(a) *Long form tax article.* Except as otherwise stated in paragraphs (b), (c), and (e) of this section all fixed price (lump sum) contracts will include a tax article substantially in the form set forth in this paragraph. Attention is directed to the necessity of including in each contract suitable provisions (see § 81.358) to specify any taxes to be excluded from or included in the contract price otherwise than as provided in such tax article. If desired, the words "of the award of this contract" or "of the bid upon the basis of which this contract was placed" may be substituted for the italicized words "of this contract" in the following article: *Provided*, That such substitution is made uniformly throughout the article and that the date of the award or the date of the bid, as the case may be, is specified in the contract.

Article ... Taxes. (a) Unless otherwise indicated in this contract (A) the prices herein do not include any of the following taxes in effect at the date of this contract,

(1) Any Federal tax which is directly applicable to the completed supplies or work covered hereby (including component parts, articles, or units of which the contractor is the manufacturer, importer, or producer) and as to which exemption from tax is available, or

(2) Any state or local sales, use, or other tax from which the contractor or this transaction of the procurement of these supplies or work is exempt,

and (B) the prices herein include all other applicable Federal, State and local taxes in effect at the date of this contract. Upon request of the contractor the Government will issue tax exemption certificates or furnish other similar proof of exemption with respect to all taxes excluded from the price.

(b) If after the date of this contract the Federal Government or any state or local government shall impose, remove or change (including any charge by the removal by statute of an exemption available to the contractor for the purposes of this contract) any duty, sales, use, or excise tax or any other tax or charge directly applicable to the supplies or work covered hereby or the materials used in the manufacture thereof or directly upon the importation, production, processing, manufacture, construction, sale, or use of such supplies, work, or materials, which tax or charge must be borne by the contractor because of a specific contractual

obligation or by operation of law, or, in case of a decrease or elimination of any such tax, where the contractor is relieved to that extent, and if in case of an increase in such an existing tax or the imposition of such a new tax the contractor has paid such tax or charge to the Federal Government or to a state or local government, or any other person, then the prices named herein will be increased or decreased accordingly, and any amount due to the contractor as a result of such change will be charged to the Government and entered on vouchers (or invoices) as a separate item: *Provided, however*, That the Government reserves the right to issue to the contractor in lieu of such payment a tax exemption certificate or certificates acceptable to the Federal Government or state or local government, as the case may be. The amount of any adjustment pursuant to this paragraph (b) may be determined by a written agreement between the parties hereto. Nothing contained herein shall be construed as requiring the Government to reimburse the contractor for any Federal, state, or local income taxes, income surtaxes or excess profits taxes, transportation taxes, or taxes on property.

(c) In the case of any state or local tax or charge which the contractor contends is chargeable to the Government because of the provisions of this article, or any other provision of this contract, the contractor agrees to refrain from paying any such tax or charge upon the direction of the contracting officer (in which event the Government will save the contractor harmless from penalties and interest incurred through compliance with the direction of the contracting officer not to pay such tax); to take such steps as may be directed by the Government to cause such tax or charge to be paid under protest; to preserve and, if so directed by the contracting officer, to cause to be assigned to the Government any and all rights to the abatement or refund of such tax or charge; if so requested, to permit the Government to prosecute any claim, litigation, or proceeding for the refund of such tax in the name of the contractor, and to furnish to the Government all reasonable assistance and cooperation requested by the Government in any litigation or proceeding for the recovery of such tax or charge.

If desired the following sentence, or substantially similar language, may be added at the end of paragraph (b) of the foregoing tax article:

For the purposes of any additional procurement of supplies or work called for by any agreement supplemental hereto, the words "date of this contract" shall be deemed to refer to the date of such supplemental agreement.

(b) *Short form tax article.* In purchase orders and contracts where the estimated time of the performance of the purchase order or contract does not exceed 60 days, the following short form of tax article may be employed or a tax article may be omitted. Attention is directed to the necessity of including in each contract (§ 81.358) suitable provisions to specify any taxes to be excluded from or included in the contract price otherwise than as provided in such tax article.

Article ... Taxes. Unless otherwise indicated in this contract (A) the prices herein do not include any of the following taxes in effect at the date of this contract:

(1) Any Federal tax which is directly applicable to the completed supplies covered hereby (including component parts, articles,

or units of which the contractor is the manufacturer, importer, or producer) and as to which exemption from tax is available, or

(2) Any state or local sales, use or other tax from which the contractor or this transaction of the procurement of these supplies is exempt,

and (B) the prices herein include all other Federal, state, and local taxes (including without limitation of the foregoing all transportation taxes). Upon request of the contractor the Government will issue tax exemption certificates or furnish other similar proof of exemption with respect to all taxes excluded from the price.

(c) *Use of tax articles.* Supply services may continue to use existing contract or purchase order forms containing a tax article substantially in the form of the tax article prescribed prior to March 1, 1943, by § 81.357 of the procurement regulations as it then read or other tax article hitherto approved, if suitable modifications in or additions to such tax articles are included in the contract to reflect accurately the taxes expressly included in or excluded from the contract price in the particular case. Attention is also directed to the provisions of § 81.809a, Procurement Regulation No. 8, setting forth the policies to be applied on and after March 1, 1943, with respect to exemptions from Federal excise taxes.

(d) *State and local taxes.* State and local sales or use taxes generally do not apply to sales directly to the United States or the use of property by the United States (see § 81.810). Special provisions may be included in any contract with respect to any state or local excise tax as to which there is doubt whether an exemption exists applicable to the transaction covered by the contract. Any such special provisions should clearly specify whether such tax is to be included in or excluded from the price and whether the Government must pay or reimburse the contractor for the tax if no exemption is applicable. Contracting officers, so far as is practicable, should take precautions to see that contractors do not include in their bid or price any amount for (1) any state or local sales or use taxes which do not apply to sales to the Federal Government or to the use of property by the Federal Government, or (2) any other state or local taxes, exemption from which is available in the case of transactions to which the Federal Government is a party.

(e) *Appropriate tax articles.* The chief of any supply service may authorize the omission of the tax articles set forth in paragraphs (a) and (b) of § 81.357 from any contracts where they are plainly inapplicable or inappropriate. In any class or classes of contracts for services where a major part of the cost of performance consists of payroll expense, for example, stevedoring contracts, the chief of any supply service may authorize the inclusion of a provision for price adjustment in the event of changes in payroll taxes with respect to such services. The form of any such provision in general should be similar to the provision found in paragraph (b) of the tax article set out in § 81.357 (a) but should not be made applicable to taxes

other than those paid with respect to the wages of the employees of the particular contractor.

§ 81.358 *Taxes affecting cost.* Special emphasis is placed on the necessity that each contract contain appropriate provisions showing accurately the nature of any taxes which are expressly included in or excluded from the contract price contrary to the standard provisions of the tax article which is in fact contained in such contract. Invitations to bid, requests for proposals, specifications, instructions to bidders, and proposals should indicate expressly the types of taxes to be included in or excluded from the contract price and whether tax exemption certificates will be given or required. Care must be taken to see that the tax provisions of each contract are in conformity with any invitation to bid, specifications, and proposal issued or made in connection therewith. (Sec. 5a, National Defense Act, as amended, 41 Stat. 764, 54 Stat. 1225; 10 U.S.C. 1193-1195, and the First War Powers Act 1941, 55 Stat. 838, 50 U.S.C. Sup. 601-622) [Services of Supply Memorandum No. S5-51-43, March 11, 1943]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-4306; Filed, March 20, 1943;
9:26 a. m.]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

MISCELLANEOUS AMENDMENTS

The following amendments and additions to the regulations contained in Part 81 are hereby prescribed. These regulations are also contained in War Department Procurement Regulations dated September 5, 1942 (7 F.R. 8032), as amended by Changes No. 12, March 3, 1943.¹ In section numbers the figures to the right of the decimal point correspond with the respective paragraph numbers in the procurement regulations.

AUTHORITY: Sec. 5a, National Defense Act, as amended, 41 Stat. 764, 54 Stat. 1225; 10 U.S.C. 1193-1195, and the First War Powers Act 1941, 55 Stat. 838, 50 U.S.C. Sup. 601-622.

AUTHORITY TO MAKE AWARDS, CONTRACTS, AND MODIFICATIONS THEREOF; REQUIRED APPROVALS

Section 81.304 (b) is amended as follows:

§ 81.304 Definitions. * * *

(b) *Contract.* As used in this section, the term "contract" means any contract except supplemental agreements and change orders and except those contracts referred to in §§ 83.707, 81.1014 and 81.1015.

PROCUREMENT OF SUPPLIES

Sections 81.602 to 81.605, inclusive, are rescinded and the following substituted therefor:

¹ For previous changes see 7 F.R. 8163, 9268, 9660, 10184, 10247, 10640, 10906, and 8 F.R. 401, 411, 2531.

GENERAL

§ 81.602 *Definitions—(a) Procurement.* The term "procurement" as used in this regulation refers to the procedure necessary to obtain a given item or class of items and includes the execution of the following functions:

(1) *Specification (abbr. spec.).* This function consists of the preparation and custodianship of specifications necessary for the procurement of a given item or class of items, except specifications charged to other Federal agencies.

(2) *Determination of requirements (abbr. reqs.).* This function involves the determination by a supply service of its own requirements as well as the requirements of the using Arms for which the supply service is responsible under existing Army regulations. When only one service is indicated as having responsibility for determination of requirements for an item it shall be understood that said service is responsible for determining the requirements of all Arms and Services.

(3) *Provision of funds (abbr. funds).* This function involves the preparation of estimates, defense of estimates, and custody of funds.

(4) *Purchase (abbr. pur.).* This function consists of buying a given item or class of items or manufacturing such items in government owned establishments under the jurisdiction of a supply service, and includes final acceptance.

(5) *Inspection (abbr. insp.).* This function consists of making the inspections necessary for final acceptance of any item from the contractor.

(b) *Interbranch and interdepartmental procurement.* The term "interbranch procurement" refers to the procurement of items by one supply service for another supply service. The term "interdepartmental procurement" refers to the purchase of items by one department or agency of the government from another department or agency thereof.

INTERBRANCH PROCUREMENT

§ 81.603 *Authority of Procurement Assignment Board.* The Procurement Assignment Board, Headquarters, Services of Supply, is authorized to assign responsibility for all functions of procurement enumerated in § 81.602(a) in regard to any item or class of items subject to the following limitation: Prior to the assignment by the Procurement Assignment Board of the "specification" function the Board will obtain the concurrence of the Resources and Production Division, Headquarters, Services of Supply, and prior to the assignment of the "provision of funds" function the Board will obtain the concurrence of the Budget Officer for the War Department. The Director of the Resources and Production Division and the Budget Officer will each designate a representative to participate in meetings of the Procurement Assignment Board. With respect to a given item or class of items all functions may be assigned to one supply service or apportioned among different supply services. Unless and until action is taken by the Procurement Assignment

Board the responsibility for the performance of the functions enumerated in § 81.602(a) in respect to an item or class of items will remain with the supply service or supply services exercising such responsibility.

(a) *Army Air Forces.* When action by the Board is to be taken in regard to an item in which the Army Air Forces have a substantial interest, it will be understood that the Army Air Forces will be given an opportunity to be heard on the matter, and that if the Army Air Forces disagree with any action proposed to be taken by the Procurement Assignment Board, an effort will be made by the Board to reconcile the disagreement by a conference with a representative designated by the Commanding General, Army Air Forces; and that in the event a satisfactory agreement cannot be reached in this manner, the Board and the representative of the Army Air Forces will jointly prepare a brief setting forth their respective views on the matter, which brief will be submitted to the Under Secretary of War, who will make the final decision.

(b) *Purchase.* Purchase of an item shall be made by the service assigned such responsibility, except in a given transaction when:

(1) The item is required within a brief period of time and in the judgment of the service requiring the item cannot be provided in such time by the service having responsibility for purchasing the item, or

(2) The service having purchase responsibility has, by the issuance of general instructions or by consent granted with respect to the specific transaction, indicated its acquiescence. In the event that any purchase made pursuant to subparagraph (1) above involves an expenditure in excess of \$5,000, a prompt report of the transaction will be made to the chief of the supply service having responsibility for the purchase of the item and a copy of such report will be sent to the Procurement Assignment Board, Headquarters, Services of Supply.

(c) *Instructions.* All instructions by Services of Supply, Staff Divisions thereof, or Army Air Forces to be issued in War Department or Services of Supply publications concerning:

(1) Transfer of any of the functions of procurement from one supply service to another or to or from the Army Air Forces, or

(2) Assumption of any of the functions of procurement by a supply service or the Army Air Forces; shall be submitted for concurrence and clearance to the Procurement Assignment Board, Headquarters, Services of Supply, before publication.

(d) *Assignment by classes.* Insofar as practicable, the Procurement Assignment Board, in assigning responsibility for procurement of all items and groups of items will classify items according to the Federal Standard Stock Catalog classes for Storage and Issue. The determinations of the Board will be published in § 81.605.

(e) *Outstanding orders.* (1) When action by the Board centralizes the re-

sponsibility for the purchase of a given item or class of items in a supply service, any other supply service having such an item or class of items on order will compile and transmit to the service assigned such responsibility a list of all outstanding orders for such items. These lists will indicate the following: (i) number and adequate description of items including specifications and applicable funds; (ii) name and address of supplier; (iii) unit price; (iv) delivery dates; (v) status of deliveries, to be supplemented monthly; (vi) contract or purchase order symbol; and (vii) partial payments or advance payments already made. If in the opinion of the supply service to which responsibility for purchase has been assigned, diversion of the items on order is necessary, copies of all contracts and purchase orders covering these items will also be supplied by the other supply services upon request by the service to which responsibility for purchase has been assigned.

(2) In case of diversion of items:

(i) The service to which responsibility for purchase has been assigned will be the sole agency to issue instructions regarding shipping, change orders, renegotiation and cancellation to the contracting officer administering the contract; and

(ii) The service to which responsibility for purchase has been assigned may request the contracting officer to issue a change order modifying the shipping instructions and changing the allotment number from the one originally used by the supply service which entered into the contract to an appropriate allotment number furnished by the supply service to which responsibility for purchase has been assigned. In the event that advance or partial payments have been made by the contracting service on items subsequently diverted, the service receiving the items will reimburse the contracting service for such payments.

(f) *Procedure.* (1) All supply services requiring an item for which determination of requirements and provisions of funds therefor has been assigned to another service, will assist the responsible supply service by furnishing to it statements of their requirements at such times as may be called for by the responsible supply service.

(2) The supply service or services having responsibility for determination of requirements will forward requisitions for requirements and allotment of applicable funds to the supply service having responsibility for purchase at such times and for such periods as may be specified by the latter.

(3) Emergency requirements will be forwarded by the most expeditious method available through the service responsible for the determination of requirements to the service responsible for purchase and will be confirmed by a formal requisition.

(4) Each requisition will contain a certificate of availability of funds and citation of the applicable allotment number.

§ 81.604 *Previous actions of the Procurement Assignment Board.* The present practice of the Procurement Assign-

ment Board of assigning responsibility for items and groups of items in accordance with the procedure outlined in § 81.603 (d) represents a departure from its previous practice. Previously the Board assigned "procurement responsibility" and "purchase responsibility". The assignments of procurement responsibility and purchase responsibility made by the Board with respect to a large number of items are indicated in Appendix I² to this Procurement Regulation No. 6. There are contained on the first page of that appendix definitions of the terms "procurement responsibility" and "purchase responsibility". It is contemplated that in the near future assignments of the items listed in that appendix will be made in accordance with the procedure outlined in § 81.603 (d). In the meantime, however, it is to be understood that the past actions of the Board in making the assignments of procurement responsibility and purchase responsibility, as reflected in Appendix I² are not to be re-

garded as rescinded. Accordingly, the appendix should be retained until further notice.

The subparagraphs under § 81.605 (a) do not run consecutively for the reason that each of these subparagraphs contains an assignment of one of the Federal Standard Stock Catalog Classes. Thus subparagraph (7) will contain the assignment made by the Procurement Assignment Board of the items included in Federal Standard Stock Catalog Class 7 and subparagraph (9) will contain the Assignment made by the Board of the items contained in Federal Standard Stock Catalog Class 9. As all ninety-three classes contained in the Federal Standard Stock Catalog Classification have not as yet been assigned, subparagraphs have been reserved for such assignments.

§ 81.605 *Assignments—(a) Federal Standard Stock Catalog Classes. * * **

(7) *Assignment of fuel: charcoal, coal, coke, dust fuels, gas, gasoline, oil (fuel), wood, etc. (FSSC Class 7).*

Items	Spec. ¹	Req.	Funds	Pur.	Insp.
Automotive:					
Gasoline (except for Army aircraft).....	Ord	QMC	QMC	QMC	QMC
Gasoline for Army aircraft.....	AAF	AAF	AAF	AAF	AAF
Fuel oil Diesel (except for Army aircraft).....	Ord	QMC	QMC	QMC	QMC
Fuel oil Diesel for Army aircraft.....	AAF	AAF	AAF	AAF	AAF
Railway:					
Fuel oil.....	TC	TC	TC	QMC	QMC
Fuel oil Diesel.....	TC	TC	TC	QMC	QMC
Coal, coke, wood, etc.....	TC	TC	TC	QMC	QMC
Marine:					
Gasoline.....	TC	TC	TC	QMC	QMC
Fuel oil.....	TC	TC	TC	QMC	QMC
Fuel oil Diesel.....	TC	TC	TC	QMC	QMC
Coal, coke, wood, etc.....	TC	TC	TC	QMC	QMC
All other uses:					
Gasoline (all types).....	Ord	All	QMC	QMC	QMC
Fuel oil.....	Ord	All	QMC	QMC	QMC
Fuel oil Diesel.....	Ord	All	QMC	QMC	QMC
Fog oil.....	CWS	CWS	CWS	QMC	QMC
Incendiary oil for incendiary bombs and flame throwers.....	CWS	CWS	CWS	QMC	QMC
Utilities fuel—for space heating, power, incineration, refrigeration, utility plants, maintenance equip., pumping, fire apparatus, utility shops, cooking, baking, smithing, water heating, process steam, at posts, camps, and stations, and in field installations for light, heat, and power:					
Fuel oil.....	ENG	ENG	ENG	QMC	QMC
#1 Fuel oil (kerosene).....	ENG	ENG	ENG	QMC	QMC
Coal, coke, charcoal, dust fuels, wood, etc.....	ENG	ENG	ENG	QMC	QMC
Gas, natural or mfgd.....	ENG	ENG	ENG	ENG	ENG
Fuels for manufacturing arsenals, depots, and proving grounds:					
Fuel oil.....	ALL	ALL	ALL	QMC	QMC
Coal, coke, charcoal, dust fuels, wood, etc.....	ALL	ALL	ALL	QMC	QMC
Gas, natural or mfgd.....	ALL	ALL	ALL	ALL	ALL

¹The service or services (other than the Army Air Forces) assigned the function of "Specification" for the petroleum products listed above shall coordinate and clear this function with the War Department Committee for Fuels and Lubricants, Resources and Production Division, Headquarters, Services of Supply.

(9) *Assignment of boats, vessels and floating equipment (FSSC Class 9).*

Items	Spec.	Req.	Funds	Pur.	Insp.
All boats, vessels and floating equipment:					
Except those listed below.....	TC	TC	TC	TC	TC
Barrage balloon equipment:					
Boats, power driven BB.....	ENG	ENG	ENG	TC	TC
Boats, catamaran BB.....	ENG	ENG	ENG	TC	TC
Barges, double end BB.....	ENG	ENG	ENG	TC	TC
Barges, power driven BB.....	ENG	ENG	ENG	TC	TC
Corps of engineers tactical equipment:					
Boats, assault.....	ENG	ENG	ENG	ENG	ENG
Boats, reconnaissance.....	ENG	ENG	ENG	ENG	ENG
Boats, storm.....	ENG	ENG	ENG	ENG	ENG
Boats, pneumatic.....	ENG	ENG	ENG	ENG	ENG
Boats, power, utility w/trailer.....	ENG	ENG	ENG	ENG	ENG
Floats, pneumatic.....	ENG	ENG	ENG	ENG	ENG
Pontoons, equipage.....	ENG	ENG	ENG	ENG	ENG
Pontoon gear, Navy type: ¹					
Barges and pontoons for bridge and wharf construction and Corps of Engineers lighterage barges and pontoons, all other uses.....	ENG	ENG	ENG	TC	TC
	TC	TC	TC	TC	TC

¹ All boats, barges, vessels and floating equipment, excluding pneumatic boats, purchased by the Army from the Navy, shall be purchased from the Navy by the Transportation Corps.

² *Infra* and 7 F.R. 9291.

(9) Assignment of boats, vessels and floating equipment (FSSC Class 9)—Con.

Items	Spec.	Req.	Funds	Pur.	Insp.
Boats, landing, 36 ft. (LCP, LCPR, LCV, LCPV).....	TC	TC	TC	(1)	(1)
Craft, landing, mechanized, 50 ft. LCM Mark III.....	TC	TC	TC	(1)	(1)
Rafts, life for aircraft.....	AAF	AAF	AAF	AAF	AAF

†Purchase of subject craft is assigned to U. S. Navy by directive approved by the joint U. S. Chiefs of Staff on September 10, 1942.

Vessels over 1,000 tons D. W. are procured by Maritime Commission, with Transportation Corps responsible for determination of requirements.

(14) Assignment of oils (illuminating and lubricating) greases and all lubricants (FSSC Class 14).

Items	Spec. ¹	Req.	Funds	Pur.	Insp.
Kerosene (illuminating and cleaning).....	QMC	QMC	QMC	QMC	QMC
Lubricants for all motor, armored and track laying vehicles.....	Ord	QMC	QMC	QMC	QMC
Lubricants for locomotives, other rolling stock, and marine use.....	TC	TC	TC	QMC	QMC
Lubricants for railroad artillery equipment.....	Ord	Ord	Ord	Ord	Ord
Lubricants for Army aircraft.....	AAF	AAF	AAF	AAF	AAF
Lubricants for weapons, including recoil and hydraulic fluids.....	Ord	Ord	Ord	Ord	Ord
Lubricants—all other purposes.....	All	All	QMC	QMC	QMC
Cutting oils.....	All	All	All	All	All
Paraffine wax—amorphous, refined and crude, and manufactured articles.....	All	QMC	QMC	QMC	QMC
Petrolatum.....	Med	Med	Med	QMC	Med
Paraffine, refined for histological and pharmaceutical use.....	Med	Med	Med	QMC	Med

¹The service or services (other than the Army Air Forces) assigned the function of "Specification" for the petroleum products listed above shall coordinate and clear this function with the War Department Committee for Fuels and Lubricants, Resources and Production Division, Headquarters, Services of Supply.

PROCEDURE FOR OBTAINING CLEARANCE AND APPROVAL OF FACILITIES EXPANSIONS

Sections 81.1008 to 81.1013, inclusive, are rescinded and the following §§ 81.1008 to 81.1015 are substituted therefor:

§ 81.1008 *Submission of projects.* (a) The chief of the supply service concerned will submit to the Resources and Production Division, Headquarters, Services of Supply, as provided in § 81.1009 every proposed facilities expansion involving either

(1) New construction, regardless of amount;

(2) The addition of machinery or equipment where Expediting Production Funds are required, or

(3) The addition, under other funds, of machinery or equipment, the estimated cost of which exceeds \$100,000.

(b) When new facilities are first being considered, the initiating office will contact the Facilities Utilization Division of the Facilities Bureau, War Production Board, Washington, D. C., to ascertain the availability of existing facilities suitable for the required production.

§ 81.1009 *Approval of projects and release of Expediting Production Funds.*

(a) Applications for approval of any proposed facilities expansion of the type described in § 81.1008, and for release of Expediting Production Funds, where such funds are required, will be made to the Resources and Production Division, Headquarters, Services of Supply, except as provided for the Air Forces in § 81.1010 (c). Such applications will supply the following information in triplicate:

(1) Name of the project.

(2) Name and address of proposed operator.

(3) Location of project with map showing location.

(4) Product and by-products to be produced with maximum capacity of the proposed facility for each.

(5) Estimated costs:

(i) Land ----- acres. \$-----

(ii) Purchase of existing plant. \$-----

(iii) Construction. \$-----

(iv) Machine tools. \$-----

(v) Other machinery & equipment.

\$-----

(vi) Government overhead & miscellaneous (give breakdown). \$-----

(vii) Total. \$-----

(viii) Costs, other than for machine tools. \$-----

(6) *Method of financing.* If use of Expediting Production Funds is required, make a request for a specific amount or state that such a request will be submitted separately, stating, also how the remainder of cost is to be financed.

(7) *Physical data:*

(i) Description of proposed construction and of site. (Include number of square feet of productive and non-productive floor space.)

(ii) Estimated critical materials:

(a) Steel ----- pounds.

(b) Copper ----- pounds.

(c) Aluminum ----- pounds.

(iii) Estimated date of initial operation.

(iv) Estimated date of completion of project.

(v) Estimated date of full operation.

(8) General statement of raw materials required for operation and the source of supply.

(9) Estimated labor requirements for operation (include estimated percentage of female labor):

(i) Supervisory and administrative.

(ii) Skilled.

(iii) Semi-skilled.

(iv) Unskilled.

(v) Total.

(vi) Total supervisory, administrative and skilled labor required for initial operation.

(10) Power:

(i) Expected maximum demand in kilowatts.

(ii) Availability of adequate power locally.

(iii) Source of power supply.

(11) Transportation:

(i) Estimated transportation requirements.

(ii) Availability of adequate main line rail facilities.

(iii) Availability of adequate improved highway facilities to the site.

(12) Water:

(i) Expected water requirements in gallons per day.

(ii) Availability of adequate supply of water.

(iii) Source of supply.

(13) Fuel:

(i) Type of fuel.

(ii) Source of supply of fuel.

(14) Sewage disposal requirements and proposed method of handling.

(15) (i) Estimated number of units and amount of new housing required.

(ii) Are all necessary public utilities available and are they adequate for the new housing required? If not, explain, methods proposed for providing them.

(16) As available, summarized data on site selection as reported by the supply service charged with responsibility for the project.

(17) Reasons which caused the recommended site to be selected against alternate sites.

(18) Affirmative opinion with respect to each of the following points as they apply to the proposed facility (regardless of above data):

(i) It is essential for the war effort.

(ii) Postponement of construction would be detrimental to the war effort.

(iii) It is not practicable to rent or convert existing facilities for the purpose.

(iv) The construction will not result in duplication or unnecessary expansion of existing plants or facilities now under construction or about to be constructed.

(v) All possible economies have been made in the project, resulting in deletion of all non-essential items and parts.

(vi) The structure of the project has been designed of the simplest type, just sufficient to meet the minimum requirements.

(vii) The answers to the following questions relating to conditions at the proposed site are all to be affirmative to the extent that they are pertinent:

(a) Are there sufficient labor and materials available to build it?

(b) Will adequate public utilities be available without costly extensions?

(c) Will transportation be available to serve it?

(d) Will labor be available to man it? (Are housing and other community facilities adequate?)

(e) Will machine tools and other equipment be available to equip it?

(f) Will raw materials be available to operate it?

(g) Can the manufactured product be used at once or stored until needed?

(b) Where it is deemed essential, in the interest of expedition, to file any application before the complete data required above is available, the missing information will be promptly supplied in a second letter following the original application.

(c) Except for those projects of the Army Air Forces which, under § 81.1010, must be approved by the War Production Board, all applications by the Army Air Forces or by the supply services must be approved by the Director of Procurement, Headquarters, Services of Supply.

§ 81.1010 *War Production Board clearance.* Except as provided in § 81.1011, each proposed facilities expansion with costs (exclusive of costs of machine tools) in excess of \$100,000 must be approved by the War Production Board. Where the costs (exclusive of costs of machine tools) are between \$100,000 and \$500,000, the approval will be by the Facility Review Committee, and where the costs (exclusive of costs of machine tools) are over \$500,000, the approval will be by the Facility Clearance Board.

(a) *Definition of machine tool.* A machine tool is any machine for shaping and forming metal by removing excess metal in chips with cutting tools, abrasive wheels, buffing wheels, lapping wheels, hones, abrasive belts, and forming by bending, drawing, pressing, shearing, punching, forging, riveting, planishing and extruding. The costs of machine tools, for the purpose of § 81.1010, shall include all costs necessary to deliver and place the machine in its proper location in the plant, to construct any special foundations required therefor and to connect to necessary utilities within twenty (20) feet.

(b) *Facility Clearance Board or Facility Review Committee.* When a project of a supply service has received the approval of the Director of Procurement, the Resources and Production Division, Headquarters, Services of Supply, will submit one copy of the application, received under § 81.1009, to the Facility Clearance Board or Facility Review Committee (whichever has jurisdiction) for approval and will act as the liaison for the supply service in obtaining action. The Facility Clearance Board or the Facility Review Committee will notify the interested supply service directly of action taken, sending a copy of the notification to the Resources and Production Division.

(c) *Projects of Materiel Command, Army Air Forces.* In the case of projects of the Materiel Command, Army Air Forces, which require approval by the War Production Board, the Materiel Command will address and submit an original of the application, containing the information specified in § 81.1009, directly to the Facility Clearance Board or the Facility Review Committee (whichever has jurisdiction), and will send the remaining two originals of such application to the Resources and Production Division for its information. The Facility Clearance Board or the Facility Review Committee will notify the Materiel Command directly of action taken, sending a copy of the notification to the Resources and Production Division.

§ 81.1011 *Increased costs only.* Where the application is made only for the purpose of covering an increase in cost due to an initial low estimate and does not involve a change in scope of project or

in production output, approval of the War Production Board is not required, regardless of amount. All such applications of the supply services will be made to and be subject to the approval of the Resources and Production Division, which will notify the War Production Board of the increased cost.

§ 81.1012 *Expediting Production Funds.* When a project requires release of Expediting Production Funds, application therefor shall be made to the Resources and Production Division in the application for approval of the project, or in a separate application, in either case stating the amount of Expediting Production Funds required and the manner in which any remaining cost is to be financed. When a project for which Expediting Production Funds are requested has received approvals herein required to be given by the Resources and Production Division, the War Production Board, or both, Resources and Production Division will submit the project, with all supporting information, to the Under Secretary of War for approval and release of Expediting Production Funds.

§ 81.1013 *Notification of approvals.* In all cases involving approval by the Resources and Production Division or release of Expediting Production Funds, the Resources and Production Division will advise the interested supply service in writing when the project has received all necessary approvals.

§ 81.1014 *Obtaining the letter of commitment in connection with Defense Plant Corporation lease agreements.* Where the proposed expansion is to be financed through a Defense Plant Corporation lease agreement, the letter of commitment from the War Department to the Defense Plant Corporation will be submitted to the Under Secretary of War. Such submission will be through the Special Legal and Liaison Division, Office of the Under Secretary of War, and will be accompanied by a brief statement of the nature, location, estimated cost and productive capacity of the project, together with a statement that the project is essential and that the estimated cost thereof is believed reasonable.

§ 81.1015 *Approval of contracts required in special cases.* All emergency plant facilities contracts, all special facilities contracts and all other agreements or leases for providing facilities to a contractor, as well as all contracts required to be submitted under § 81.1007, will be submitted to the Director, Purchases Division, Headquarters, Services of Supply, for approval.

PROCESSING APPLICATIONS FOR NECESSITY CERTIFICATES IN CONNECTION WITH FACILITIES EXPANSIONS

Sections 81.1014 to 81.1017, inclusive, are redesignated §§ 81.1016 to 81.1019, respectively, as follows:

§ 81.1016 *Information to be submitted in application.* * * *

§ 81.1017 *Place of filing applications.* * * *

§ 81.1018 *Procedure for processing applications.* * * *

§ 81.1019 *Certificates of non-reimbursement and government protection discontinued.* * * *

FORMS OF CONTRACTS

Section 81.1314 is added as follows:

§ 81.1314 *W. D. Contract Form No. 14.*

Rental Agreement No. _____

Contract No. _____

GOVERNMENT-OWNED EQUIPMENT RENTAL AGREEMENT

Lessee & address: _____
Equipment to be used in connection with project located at: _____
Payment: _____
To be made to _____, United States Army, at _____
This contract is authorized by the following laws:

GOVERNMENT-OWNED EQUIPMENT RENTAL AGREEMENT

This agreement, entered into this _____ day of _____ 194____ by the United States of America (hereinafter called the Government), represented by the Contracting Officer executing this contract, and _____ a corporation organized and existing under the laws of the State of _____ a joint venture consisting of _____ a partnership consisting of _____ an individual trading as _____ of the City of _____ in the State of _____ (hereinafter called the Lessee), witnesseth that:

Whereas, the Lessee has entered into Contract No. W. _____ or may enter into a contract (hereinafter, in either event, called the principal contract) with the Government to construct for the Government _____ at or near _____ (hereinafter referred to as the project); and
Whereas, the Lessee has entered into Subcontract No. _____ to Contract No. W. _____, such subcontract hereinafter, for the purposes of this Agreement, being referred to as the "principal contract", to construct _____ at or near _____ (hereinafter referred to as the project); and

Whereas, the Government owns certain equipment as set forth in Schedule A, attached hereto and made a part hereof, located at _____; and

Whereas, the equipment is not now required by the Government for use on other projects within _____ and the Lessee desires to lease the same; and

Whereas, the leasing of the equipment to expedite performance of the principal contract by the Lessee is deemed necessary by the War Department to facilitate the prosecution of the war; and

Whereas, the Secretary of War has authorized the execution of this lease on behalf of the United States;

Now, therefore, the parties hereto do mutually agree as follows:

SECTION 1. The Government hereby leases to the Lessee the equipment listed in Schedule A, attached hereto and made a part hereof, which equipment the Lessee shall use in the performance of the principal contract at the project. This equipment is the property of the Government and is now located at _____ Schedule A may be supplemented

¹ Delete all lines which do not apply.

² Use whichever "Whereas" clause is appropriate, depending upon whether the Lessee is a lump sum or unit price prime contractor, or a lump sum or unit price subcontractor.

from time to time whenever equipment is added to or withdrawn from the scope of this lease. Each such supplement shall be signed on behalf of the Lessee and the Government.

Sec. 2. Upon notification by the Contracting Officer that the equipment is ready for delivery, the Lessee agrees to receive the same without delay at the present location thereof, in its present condition, as is, without any warranty, express or implied, on the part of the Government as to condition or serviceability.

Sec. 3. The term of this lease shall begin on _____ and shall end upon the return of the equipment to the Government at _____ or at such other place as the Contracting Officer may designate, but in no event to exceed the time necessary to complete the Lessee's principal contract.

Sec. 4. This lease may be terminated by the Government by giving _____ days' written notice at any time after _____ days from the date of this lease.

Sec. 5. The Lessee agrees that he will pay rental at the rate and at the times prescribed in Schedule A, and that such rental may be deducted from the payments due or to become due to the Lessee under the terms of the principal contract. Such deductions will be made monthly on or about the 10th of the month for the previous calendar month if practicable. The rental period shall begin on the date of commencement of the term of this lease and shall cease on the termination of the lease, as defined in section 3.

Sec. 5. The rental period shall begin on the date of commencement of the term of this lease and shall cease on the termination of this lease, as defined in section 3 hereof. The Lessee shall pay rental at the rate prescribed on Schedule A. The rental accrued at the end of any calendar month shall be paid to the Government on or before the 10th day of the following month.

Sec. 6. Title to the equipment leased hereunder is and shall remain in the Government.

Sec. 7. The Lessee at its own expense will maintain the equipment in good repair and make all necessary replacements during the term of this lease. Any replacement of parts shall be by parts recommended by the manufacturer of the equipment or approved by the Contracting Officer. All fuel and lubricants will be furnished by the Lessee. The obligations under this section shall continue until the equipment shall have been delivered to a common carrier for return to the Government.

Sec. 8. The Lessee shall not remove any of the equipment from the project without the prior written approval of the Contracting Officer or his duly authorized representative. The Lessee shall not pledge, assign, transfer, sublet or part with the possession of any of the equipment in any manner to any third party either directly or indirectly, except that this provision shall not preclude the Lessee from permitting the use of the equipment by a third party with the prior written approval of the Contracting Officer or his duly authorized representative; and the Lessee shall not do or suffer anything whereby any of the equipment shall or may be seized, taken in execution, attached, removed, destroyed or injured.

Sec. 9. The Lessee shall not, without the prior written approval of the Contracting Officer or his duly authorized representative, use any of the equipment for any purpose other than performance of the principal contract at the project, in furtherance of the national war effort. Upon failure of the

Lessee to comply with this provision, the Contracting Officer may terminate this lease upon twenty-four hours' notice communicated to the Lessee or its agent at its address as set forth in Section 21, and upon such termination the Contracting Officer or his duly authorized representative may require the immediate return of the equipment.

Sec. 10. The equipment shall be returned to the Government upon the expiration or termination of this lease in as good condition as when delivered to Lessee, reasonable wear and tear excepted. If in the opinion of the Contracting Officer, or his duly authorized representative the Lessee shall have failed to comply with the requirements of the lease in this respect, the Lessee shall pay to the Government as damages the amount necessary to place the equipment in as good condition as when delivered to Lessee, reasonable wear and tear excepted, or if such equipment can not be placed in such condition, Lessee shall pay an amount equivalent to the value of such equipment as stipulated in Schedule A, less the sum of the amount determined by the Contracting Officer to represent reasonable wear and tear, and the scrap value of such equipment.

Sec. 11. Between the time of delivery of the equipment to the Lessee at _____ and the time of its return to the Government at _____ or at such other place as the Contracting Officer may designate pursuant to Sections 3 and 12, the Lessee shall be solely responsible for any loss or destruction of the equipment, irrespective of whether such loss or destruction results from the failure of the Lessee to exercise reasonable care. Such responsibility shall be measured by the value of the equipment as set forth in Schedule A, less the amount determined by the Contracting Officer to represent reasonable wear and tear for the period during which such equipment was used. The Lessee shall take all necessary steps to protect the interest of the Government in the equipment. Without limiting the generality of the foregoing, the Contracting Officer may require, and in that event the Lessee shall, at its own expense, take specific measures, including but not limited to the procurement of insurance, as directed by the Contracting Officer, to protect the interests of the Government.²

Sec. 12. The Lessee agrees to reimburse the Government immediately upon presentation of a statement thereof, for all packing and handling costs, and further agrees to pay all transportation charges on the equipment from _____ to the job site of the project at _____. Upon expiration or termination of this lease, the Lessee agrees to pay all packing, handling, and transportation charges necessary for the return of the equipment to the Government at _____, or at such other place as the Contracting Officer may designate; but the Lessee's responsibility for return transportation charges shall not exceed the amount required to return the equipment to _____.

Sec. 13. The equipment is rented without operators. Any operator deemed incompetent by the Contracting Officer shall be removed from the equipment.

Sec. 14. The Contracting Officer shall furnish to the Lessee without charge, upon request, copies of such drawings, specifications, instructions, or the like as the Lessee may require for the operation or repair of the equipment and as may be on file at _____.

This is for the sole purpose of enabling the Lessee to maintain the equipment in serviceable condition, and does not

² Note that the provisions of this standard form of contract deviate from the requirements of § 81333. Such deviation has been specifically authorized.

constitute a license or authority initially to manufacture, use or sell any articles covered by unexpired United States Letters Patent as shown or described in such copies.

Sec. 15. The Government shall not be responsible for damages to property of the Lessee or property of others, or for personal injuries to the Lessee's officers, agents, servants or employees, or to other persons, arising from or incident to the use of the equipment herein leased, and the Lessee shall save the Government harmless from any and all such claims; provided, that nothing contained in this Section 15 shall be deemed to affect any liability of the Government to its own employees.

Sec. 16. At all times the Contracting Officer or his duly authorized representative shall have access to the job site whereon any of the equipment is situated, for the purpose of inspecting or inventorying the same, or for the purpose of removing the same in the event of the termination of this lease.

Sec. 17. (Insert [§ 322] (§ 81322)).

Sec. 18. (Insert [§ 323] (§ 81323)).

Sec. 19. (Insert [§ 326] (§ 81326)) omitting last sentence).

Sec. 20. This agreement shall be subject to the written approval of _____ and shall not be binding until so approved.

Sec. 21. All notices to either of the parties to this lease shall be sufficient if mailed in a sealed postpaid envelope addressed as follows: To the Lessee—

(Name)

(Address)
To the Government—

(Name)

(Title)

(Address)

Sec. 22. (Insert [§ 1301.22] (ART. 22, § 811301)).

Sec. 23. Alterations. The following changes were made in this contract before it was signed by the parties hereto:

In witness whereof, the parties hereto have executed this contract as of the day and year first above written.

THE UNITED STATES OF AMERICA.

By _____
(Official Title)

(Contractor)

By _____
(Business Address)

Two Witnesses:

(Address)

(Address)

I _____, certify that I am the Secretary of the corporation named as Contractor herein; that _____ who signed this contract on behalf of the Contractor was then _____ of said corporation; that said contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

In witness whereof, I have hereunto affixed my hand and the seal of said corporation this _____ day of _____, 194__.

[Corporate Seal] (Secretary)

I hereby certify that, to the best of my knowledge and belief, based upon observation and inquiry, _____, who signed this contract for the _____, had authority to execute the

¹ The first form of section 5 will be used when the equipment rental agreement is between the Government and a lump sum or unit price prime contractor; the second form when the agreement is with a lump sum or unit price subcontractor.

same, and is the individual who signs similar contracts on behalf of this corporation with the public generally.

(Contracting Officer)

CONSENT OF SURETIES

We, the bondsmen for the due performance of the contract for the performance of which equipment has been rented to the Lessee, hereby give our full consent to the foregoing Equipment Rental Agreement and agree that our bond or bonds shall apply to and cover the due performance of the contract as modified and extended thereby.

In the presence of:

----- [SEAL]
(Individual surety)
----- [SEAL]
(Individual surety)
Attest:

[Corporate Seal] (Corporate surety)
By: -----

SCHEDULE A—RATES OF RENTAL

ARTICLE A. Daily basis.

For any piece of equipment leased by the day and:

(1) Which is not in actual use for more than 8 hours in one daily period, the rental price shall be the rental price calculated upon the basis of the applicable rate "per day" in the Table of Rates set forth in this Schedule;

(2) Which is in actual use for more than 8 hours but not more than 16 hours during one daily period, the additional rental price for such additional use shall be the rental price calculated upon the basis of 50% of such applicable rate "per day";

(3) Which is in actual use for more than 16 hours during one daily period, the additional rental price for the total additional use over 8 hours shall be the rental price calculated upon the basis of 100% of such applicable rate "per day".

ART. B. Weekly basis.

For any piece of equipment leased by the week and:

(1) Which is not in actual use for more than 48 hours during one weekly period, the rental price shall be the rental price calculated upon the basis of the applicable rate "per week" in the Table of Rates set forth in this Schedule;

(2) Which is in actual use for more than 48 hours but not more than 96 hours during one weekly period, the additional rental price for such additional use shall be the rental price calculated upon the basis of 50% of such applicable rate "per week";

(3) Which is in actual use for more than 96 hours during one weekly period, the additional rental price for the total additional use over 48 hours shall be the rental price calculated upon the basis of 100% of such applicable rate "per week";

(4) Which remains in the possession of the Lessee for a part of a weekly period beyond one or more full weekly periods, the rental price for such part of the weekly period shall be the higher of the following: (i) 1/7 of the applicable rate "per week" for each daily period, or part thereof, of possession or (ii) 1/48th of the applicable rate "per week" for each hour, or part thereof, of actual use: *Provided*, That if such equipment is in actual

use during such part of a weekly period for more than 48 hours, the rental price for such part of a weekly period shall be the rental price determined in accordance with subparagraph (1) of this Article, together with subparagraphs (2) or (3), whichever may be applicable.

ART. C. Monthly basis.

For any piece of equipment leased by the month and:

(1) Which is not in actual use for more than 240 hours during one monthly period, the rental price shall be the rental price calculated upon the basis of the applicable rate "per month" in the Tables of Rates set forth in this Schedule;

(2) Which is in actual use for more than 240 hours during one monthly period, the rental price for each additional hour, or part thereof, of actual use shall be the rental price calculated upon the basis of 1/480th of such applicable rate "per month";

(3) Which remains in the possession of the Lessee for a part of a monthly period beyond one or more full monthly periods, the rental price for such equipment for such part of the monthly period shall be the higher of the following: (i) 1/30th of the applicable rate "per month" for each daily period, or part thereof, of possession or (ii) 1/240th of the applicable rate "per month" for each hour, or part thereof, of actual use: *Provided*, That if such equipment is in actual use during such part of a monthly period for more than 240 hours, the rental shall be the rental price determined in accordance with subparagraphs (1) and (2) of this Article.

ART. D. Hourly or other basis.

TABLE OF RATES

Quantity	Item: Complete description, capacity and identifying Nos.	Total purchase cost or fair value	Rental rates		
			Per day	Per week	Per month

Appendix I (7 F.R. 9291) is amended as follows:

APPENDIX I

PROCUREMENT ASSIGNMENT BOARD, HEADQUARTERS, SERVICES OF SUPPLY, ASSIGNMENT OF PROCUREMENT RESPONSIBILITY AND PURCHASE RESPONSIBILITY

2. (a) The term "procurement responsibility" as used in this Appendix means the responsibility assigned to a designated service or services to make all necessary arrangements short of actual purchase for the procurement of a given item or class of items. This responsibility includes procurement planning, preparation of estimates, defense of such estimates and custody of funds.

(b) The term "purchase responsibility," as used in this Appendix, means the responsibility assigned to a designated service to buy, inspect and accept from industry or produce in Government-owned establishments under such service, a given item, component part thereof, or class of items.

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-4307; Filed, March 20, 1943; 9:26 a. m.]

For any piece of equipment leased on a "per hour" or other basis, the rental price shall be:

(1) Determined in accordance with provisions of Article A, if such equipment is in the Lessee's possession for not more than 4 consecutive daily periods;

(2) Determined in accordance with the provisions of Article B, if such equipment is in the Lessee's possession for more than 4 consecutive daily periods and not more than 3 consecutive weekly periods;

(3) Determined in accordance with the provisions of Article C, if such equipment is in the Lessee's possession for more than 3 consecutive weekly periods;

ART. E. Rates most favorable to lessee.

Notwithstanding any other provisions of this Schedule, if any piece of equipment is leased by the day and the rental price thereof calculated upon a daily basis exceeds the rental price calculated upon a weekly basis or upon a monthly basis, or if such equipment is leased by the week and the rental price thereof calculated upon a weekly basis exceeds the rental price calculated upon a monthly basis, the price calculated upon the basis most favorable to the Lessee. This Article shall apply even where the periods of rental are not consecutive, if the Lessee in such case is willing to rent such equipment continuously and the interval between the determination of the initial period of rental and the commencement of the subsequent period of rental to the same Lessee does not exceed thirty days. In such case, the rental price shall be calculated as if the rental price periods were consecutive.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 50833]

PART 6—INVOICES, ENTRY AND ASSESSMENT OF DUTIES

ADDITIONAL INFORMATION REQUIRED ON INVOICES OF WESTERN WHITE SPRUCE LUMBER

Pursuant to the provisions of article 274 (e) (2) of the Customs Regulations of 1937, as amended by (1938) T.D. 49426 [§ 6.1 (c)], notice is hereby given that, in addition to all other information required by law and regulation, there shall be included on all customs invoices of Western white spruce lumber for which exemption is claimed from the import tax prescribed by the first sentence of I. R. C., sec. 3424 (a), under the authority of the second sentence of that provision, a statement that the lumber is not Engelmann spruce lumber.

This requirement shall be effective as to invoices certified on and after the date of publication of this document in the weekly Treasury Decisions. T.D. 50006 is hereby revoked as of such date

of publication. (Sec. 481 (a) (10), 46 Stat. 719; 19 U.S.C. 1481 (a) (10)).

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: March 18, 1943.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 43-4343; Filed, March 20, 1943;
3:29 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T. D. 5247]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

INCOME TAX

Amending Regulations 103 to conform to section 135 of the Revenue Act of 1942, relating to returns for a period of less than twelve months.

In order to conform Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] to section 135 of the Revenue Act of 1942 (Public Law 753, 77th Congress), approved October 21, 1942, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 19.47-1 the following:

SEC. 135. RETURNS FOR A PERIOD OF LESS THAN TWELVE MONTHS. (Revenue Act of 1942, Title I.)

(a) *Income placed on an annual basis.* Section 47 (c) is amended to read as follows:

"(c) *Income placed on annual basis.*—

"(1) *General rule.* If a separate return is made under subsection (a) on account of a change in the accounting period, the net income, computed on the basis of the period for which separate return is made (referred to in this subsection as 'the short period'), shall be placed on an annual basis by multiplying the amount thereof by twelve, and dividing by the number of months in the short period. The tax shall be such part of the tax computed on such annual basis as the number of months in the short period is of twelve months.

"(2) *Exception.* If the taxpayer establishes the amount of his net income for the period of twelve months beginning with the first day of the short period, computed as if such twelve-month period were a taxable year, under the law applicable to such year, then the tax for the short period shall be reduced to an amount which is such part of the tax computed on the net income for such twelve-month period as the net income computed on the basis of the short period is of the net income for the twelve-month period. The taxpayer (other than a taxpayer to which the next sentence applies) shall compute the tax and file his return without the application of this paragraph. If the taxpayer (other than a corporation) was not in existence at the end of the twelve-month period, or if the taxpayer is a corporation and has disposed of substantially all its assets prior to the end of such twelve-month period, then in lieu of the net income for such twelve-month period there shall be used for the purposes of this paragraph the net income for the twelve-month period ending with the last day of the short period. The tax computed under this paragraph shall in no case be less than the tax computed on the net income for the short period without placing such net income on an annual basis. The benefits of this paragraph shall not be allowed unless the taxpayer, at such time as regulations prescribed hereunder require (but not after the time prescribed for the filing of the return for the first taxable

year which ends on or after twelve months after the beginning of the short period), makes application therefor in accordance with such regulations. Such application, in case the return was filed without regard to this paragraph, shall be considered a claim for credit or refund with respect to the amount by which the tax is reduced under this paragraph. The Commissioner, with the approval of the Secretary, shall prescribe such regulations as he may deem necessary for the application of this paragraph."

(c) *Returns where taxpayer not in existence for twelve months.* Section 47 is amended by inserting at the end thereof the following new subsection:

"(g) *Returns where taxpayer not in existence for twelve months.* In the case of a taxpayer not in existence during the whole of an annual accounting period ending on the last day of a month, or, if the taxpayer has no such annual accounting period or does not keep books, during the whole of a calendar year, the return shall be made for the fractional part of the year during which the taxpayer was in existence."

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

PAR. 2. Section 19.47-1, as amended by Treasury Decision 5165, approved August 13, 1942, is further amended by striking out that part of such section which follows the first paragraph thereof and by inserting at the end of such paragraph the following sentences and paragraph:

A return is required in the case of every taxable year which is a period of less than 12 months if the gross income for such taxable year is greater than the personal exemption for such taxable year as so reduced. In the case of a return by a corporation for a fractional part of a year beginning on or after January 1, 1942, the credit provided by section 26 (e) for the income of the corporation subject to excess profits tax is considered an amount of which the excess profits tax of the corporation for such period is 90 percent. For the computation of such credit in case the net income of the corporation is placed on an annual basis, see § 19.47-2.

If a taxpayer dies during a taxable year beginning prior to January 1, 1942, the return for such taxable year is a return for 12 months and not for a fractional part of a year. If a taxpayer dies during a taxable year beginning on or after January 1, 1942, the return shall be made only for the fractional part of the year during which the taxpayer was alive.

PAR. 3. There is inserted immediately after § 19.47-1 the following new section:

§ 19.47-2 *Returns for period of less than 12 months on account of a change in accounting period.*—(a) *Net income placed on annual basis and tax computed thereon.* In the case of a return for a period of less than 12 months on account of a change in accounting period, section 47 (c) provides that the net income computed on the return for such short period (except in the case of such a return by a corporation for a short period beginning before January

1, 1942) shall be placed on an annual basis by multiplying the amount thereof by 12 and dividing by the number of months in the short period. The tax is such part of the tax computed on such annual basis as the number of months in the period is of 12 months. If, in the case of a corporation, such a short period begins before January 1, 1942, the net income shall not be placed on an annual basis under section 47 (c), and the tax shall not be computed under such section. The net income in such a case shall be computed on the basis of the period for which return is made, and the tax shall be the tax computed thereon.

In placing on an annual basis the net income of a corporation for a short period which begins on or after January 1, 1942, the credit for dividends received is placed on an annual basis to correspond to the amount of dividends received included in the net income, which amount is placed on an annual basis when such net income is placed on an annual basis. Similarly, the credit for interest on United States obligations should reflect the amount of such interest as increased when such amount is placed on an annual basis as part of the net income which is placed on an annual basis. If the corporation computes its excess profits tax under section 711 (a) (3) (A), the credit provided in section 26 (e) for the adjusted excess profits net income of the corporation is determined with the excess profits net income placed on an annual basis under such section 711 (a) (3) (A). The credit for the adjusted excess profits net income so determined on an annual basis is applied against the net income after such net income has been placed on an annual basis. If the corporation computes its excess profits tax under section 711 (a) (3) (B), the credit provided in section 26 (e) is computed as an amount of which the tax of the corporation for the short period under section 711 (a) (3) (B) is 90 percent. This adjusted excess profits net income is placed on an annual basis by multiplying by 12 and dividing by the number of months in the short period, and the credit for the adjusted excess profits net income so determined on an annual basis is applied against the net income after such net income has been placed on an annual basis.

The following examples illustrate the application of this section:

Example (1). A citizen of the United States made a return for a 10-month period ended October 31, 1942, on account of a change in accounting period. His net income including his earned net income for such 10-month period was \$10,000 and his earned net income for such period was \$4,000. He was entitled to a personal exemption of \$1,200 but not to a credit for dependents. His tax for the period is \$2,412.67, computed as follows:

Net income for 10-month period.	\$10,000.00
Multiplied by 12.....	120,000.00
Net income on annual basis	
(\$120,000 ÷ 10)	12,000.00
Less: Personal exemption.....	1,200.00
Surtax net income.....	10,800.00
Earned net income for	
10-month period.....	\$4,000.00
Multiplied by 12.....	48,000.00
Earned net income	
on annual basis	
(\$48,000 ÷ 10)	4,800.00

Subtracting: Earned income credit (10% of \$4,800)-----	\$480.00
Net income subject to normal tax-----	10,320.00
Normal tax (6% of \$10,320)-----	619.20
Surtax on \$10,800-----	2,276.00
Total tax on annual basis-----	2,895.20
Amount of tax for period ($\frac{2,895.20 \times 10}{12}$)-----	2,412.67

Example (2). The X Corporation made a return for the 8-month period ended August 31, 1942 on account of a change in accounting period. The net income of the corporation for such 8-month period was \$72,000, including \$4,000 interest on obligations of the United States described in section 26 (a) and \$12,000 in dividends from a domestic corporation, for which the credit provided in section 26 (b) is applicable. The adjusted excess profits net income of the corporation for such period was \$27,375, computed after the excess profits net income for such period was placed on an annual basis under section 711 (a) (3) (A), and its excess profits tax computed under such section was \$16,402.50 ($\frac{243}{365} \times 90$ percent of \$27,375). The tax for the 8-month period is \$16,460, computed as follows:

Net income for 8-month period-----	\$72,000
Multiplied by 12-----	864,000
Net income on annual basis ($\$864,000 \div 8$)-----	108,000
Less: Adjusted excess profits net income-----	27,375
Remainder-----	80,625
Dividends received, subject to the credit provided in section 26 (b)-----	\$12,000
Multiplied by 12-----	144,000
Dividends received placed on annual basis ($\$144,000 \div 8$)-----	18,000
Subtracting: Credit provided in section 26 (b) for dividends received (85% of \$18,000)-----	15,300
Surtax net income-----	65,325
Interest on United States obligations subject to credit provided in section 26 (a)-----	\$4,000
Multiplied by 12-----	48,000
Subtracting: Credit provided in section 26 (a) for interest placed on annual basis ($\$48,000 \div 8$)-----	6,000
Normal tax net income-----	59,325
Normal tax on \$59,325-----	14,238
Surtax on \$65,325-----	10,452
Total tax on annual basis-----	24,690
Amount of tax for period ($\$24,690 \times \frac{8}{12}$)-----	16,460

If it had been assumed that the corporation had applied for the benefits of section 711 (a) (3) (B), and that the excess profits tax of the corporation was reduced under that section to \$11,250, then in the above computations the credit for the adjusted excess profits net income of the corporation, applied against the \$108,000 net income (as placed on an annual basis), would not be \$27,375, the amount computed upon the application of section 711 (a) (3) (A), but would be \$18,750, the adjusted excess profits net income computed on the basis of the excess profits tax determined under section 711 (a) (3) (B) and placed on an annual basis. The computation is as follows:

Excess profits tax for short period-----	\$11,250
Adjusted excess profits net income for short periods (amount of which excess profits tax is 90 percent, or $\frac{100}{90} \times \$11,250$)-----	12,500
Multiplied by twelve-----	150,000
Adjusted excess profits net income on annual basis ($\$150,000 \div 8$)-----	18,750

(b) *Tax for short period determined by annual income.* If the taxpayer applies to the Commissioner in the manner provided in paragraph (c) of this section to have his tax computed under the provisions of section 47 (c) (2), and if the taxpayer establishes the amount of his net income for the 12-month period hereinafter described, then section 47 (c) (2) provides that the tax for the short period shall be reduced to an amount which is such part of the tax computed on the basis of the net income which the taxpayer has established for the 12-month period as the net income for the short period is of the net income for the 12-month period. If such amount, however, is greater than the tax computed under paragraph (a) of this section, the tax for the short period is the tax computed under paragraph (a). The 12-month period referred to above is the 12-month period beginning with the first day of the short period, except that if the taxpayer (other than a corporation) is not in existence at the end of such 12-month period, or if the taxpayer is a corporation which has distributed substantially all its assets prior to the end of such 12-month period, then it is the 12-month period ending with the last day of the short period. If a corporation ceases business and distributes so much of the assets used in its business that it cannot resume its customary operations with the remaining assets, it will be considered to have distributed substantially all of its assets.

In computing the tax under section 47 (c) (2), the net income for the short period is not placed on an annual basis. The net income for the 12-month period is computed under the same provisions of law as are applicable to the short period, and is computed as if the 12-month period were an actual accounting period of the taxpayer. All items which fall in such 12-month period must be included even if they are extraordinary in amount or of an unusual nature. If the taxpayer is a member of a partnership, there shall be included in computing his income for the 12-month period his share of the partnership income for taxable years of the partnership ending with or during such 12-month period, but no amount shall be included with respect to a taxable year of the partnership ending after such 12-month period. In the case of a corporation, the credit provided by section 26 (e) for the adjusted excess profits net income of the corporation is computed as an amount of which the excess profits tax imposed for such 12-month period is 90 percent. The excess profits tax imposed for such 12-month period is the excess profits tax for the short period plus, for any taxable year which includes only part of such 12-month period, such part of the excess profits tax for such taxable year as is allocable to the part of the 12-month period included in such taxable year. The excess profits tax for such a taxable year may, in general, be allocated to the 12-month period in such proportion as the excess profits net income computed for the part of the 12-month period included in the taxable year is of the excess profits net income computed for the taxable year. However, if some other method of apportionment

will more clearly reflect the portion of the excess profits tax which is attributable to the part of the 12-month period included in the taxable year, such other method shall be used.

If any other item partially applicable to such 12-month period can be determined only at the end of a taxable year which includes only part of the 12-month period, the taxpayer, subject to review by the Commissioner, shall apportion such item to the 12-month period in such manner as will most clearly reflect the income for the 12-month period. In the case of a taxpayer permitted or required to take inventories, the cost of goods sold during the part of the 12-month period included in the taxable year shall be considered, unless a more exact determination is available, as such part of the cost of goods sold during the entire taxable year as the gross receipts from sales for the part of the 12-month period included in the taxable year is of the gross receipts from sales for the entire taxable year. For example, the 12-month period of a corporation, engaged in the sale of merchandise, which has a short period from January 1, 1942 to September 30, 1942, is the calendar year 1942. The three-month period October 1, 1942 to December 31, 1942 is a part of the fiscal year ending September 30, 1943. The cost of goods sold during such three-month period is such part of the cost of goods sold during the entire fiscal year ending September 30, 1943 as the gross receipts from sales for such three-month period are of the gross receipts from sales for the entire fiscal year. The Commissioner may, in granting permission to a taxpayer to change its accounting period, require as a condition to granting the change that, if the taxpayer is to obtain the benefits of section 47 (c) (2), it shall take a closing inventory upon the last day of the 12-month period. Such closing inventory will be used only for the purposes of section 47 (c) (2), and the taxpayer will not be required to use such inventory in computing the net income for the taxable year in which such inventory is taken.

The tax for the short period may not be reduced under section 47 (c) (2) to an amount which is less than the tax for the short period computed on the basis of the net income for the short period without placing such net income on an annual basis. If the tax computed under section 47 (c) (2) by reference to the net income for a 12-month period is less than such amount, the tax may be reduced only to such amount. In computing the tax of a corporation for the short period without placing its net income on an annual basis, the adjusted excess profits net income of the corporation is, for the purpose of determining the credit under section 26 (e), an amount of which the excess profits tax of the corporation for the short period is 90 percent.

The following examples illustrate the application of section 47 (c) (2):

Example (1). The facts are the same as in example (1) in paragraph (a) of this section. In the period from November 1, 1942, to December 31, 1942, the taxpayer has \$1,000 net income, all of which is earned income. The net income for the 12-month

period from January 1, 1942, to December 31, 1942, including the earned net income for such period, is, therefore, \$11,000, of which \$5,000 is earned income. The taxpayer files an application under the provisions of paragraph (c) for a reduction of his tax to an amount computed on the basis of his actual net income for the 12-month period from January 1, 1942, to December 31, 1942. His tax is reduced to \$2,292.73, computed as follows:

Net income for 12-month period, January 1, 1942, to December 31, 1942.....	\$11,000.00
Less: Personal exemption.....	1,200.00
Surtax net income.....	9,800.00
Less: Earned income credit (10% of \$5,000).....	500.00
Net income subject to normal tax.....	9,300.00
Normal tax (6% of \$9,300).....	558.00
Surtax on \$9,800.....	1,964.00
Total tax on annual income.....	2,522.00

Net income for 10-month period, January 1, 1942, to October 31, 1942.....	10,000.00
Net income for 12-month period, January 1, 1942, to December 31, 1942.....	11,000.00

Amount of tax for 10-month period ($\frac{\$10,000}{\$11,000} \times \$2,522$).....	2,292.73
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The amount of tax that would be due if the income for the short period were not placed on an annual basis is \$2,256, computed as follows:

Net income for 10-month period, January 1, 1942, to October 31, 1942.....	\$10,000.00
Less: Personal exemption ($\frac{10}{12} \times \$1,200$).....	1,000.00
Surtax net income.....	9,000.00
Less: Earned income credit (10% of \$4,000).....	400.00
Net income subject to normal tax.....	8,600.00
Normal tax (6% of \$8,600).....	516.00
Surtax on \$9,000.....	1,740.00
Total tax for period.....	2,256.00

Since the tax for the short period computed under section 47 (c) (2) by reference to the actual income for the 12-month period, or \$2,292.73, is greater than the tax that would be due if the income for the short period were not placed on an annual basis, or \$2,256.00, the tax for the short period is reduced to \$2,292.73, the tax computed by reference to the income for the 12-month period.

Example (2). The facts are the same as in example (1) of this paragraph, except that during the period from November 1, 1942, to December 31, 1942, the taxpayer has no income, but has deductible business expenses of \$1,000. His net income for the 12 month period from January 1, 1942, to December 31, 1942, including his earned net income is, therefore, \$9,000, of which \$4,000 is earned income. The taxpayer files an application under paragraph (c) for a reduction of his tax under the provisions of section 47 (c) (2). The tax computed on the basis of the net income for the period from January 1, 1942, to October 31, 1942, without placing such net income on an annual basis is \$2,256.00 (see example (1)). The tax computed under section 47 (c) (2) by reference to the actual net income for the 12-month period from January 1, 1942, to December 31, 1942, is \$2,062.22, computed as follows:

Net income for the 12-month period from January 1, 1942, to December 31, 1942.....	\$9,000.00
Less: Personal exemption.....	1,200.00
Surtax net income.....	7,800.00
Less: Earned income credit (10% of \$4,000).....	400.00
Net income subject to normal tax.....	7,400.00
Normal tax (6% of \$7,400).....	444.00
Surtax on \$7,800.....	1,412.00
Total tax on annual income.....	1,856.00

Net income for 10-month period, January 1, 1942, to October 31, 1942.....	10,000.00
Net income for 12-month period, January 1, 1942, to December 31, 1942.....	9,000.00
Amount of tax for 10-month period ($\frac{\$9,000}{\$10,000} \times \$1,856$).....	2,062.22

Since the tax computed on the basis of the net income for the short period without placing such net income on an annual basis, or \$2,256.00, is greater than \$2,062.22, the tax computed by reference to the actual net income for the 12-month period, the tax for the short period under section 47 (c) (2) is \$2,256.00.

Example (3). The facts are the same as in example (2) in paragraph (a) of this section. The taxpayer applies to have its tax reduced under the provisions of section 47 (c) (2). During the four-month period from September 1, 1942 to December 31, 1942, the X Corporation has \$16,000 net income, including \$3,000 dividends from a domestic corporation for which the credit provided in section 26 (b) is applicable and \$1,000 interest on obligations of the United States described in section 26 (a), and its excess profits net income computed for such four-month period is \$12,000. The net income for the 12-month period from January 1, 1942 to December 31, 1942 is, therefore, \$88,000. For such 12-month period, the dividends from domestic corporations for which the credit provided in section 26 (b) is applicable amount to \$15,000, and the interest on United States obligations described in section 26 (a) amounts to \$5,000. The excess profits tax for the short period is \$16,402.50. The excess profits tax for the taxable year from September 1, 1942 to August 31, 1943, which includes the last four months of the 12-month period, is \$43,200, and the excess profits net income for such period is \$96,000. The tax for the short period is reduced under section 47 (c) (2) to \$15,489.61, computed as follows:

Net income for 12-month period, January 1, 1942 to December 31, 1942.....	\$88,000.00
Excess profits tax for 8-month period January 1, 1942 to August 31, 1942.....	16,402.50
Excess profits tax for fiscal year September 1, 1942 to August 31, 1943.....	43,200.00
Excess profits net income for period September 1, 1942 to December 31, 1942.....	12,000.00
Excess profits net income for fiscal year September 1, 1942 to August 31, 1943.....	96,000.00
Portion of excess profits tax allocable to period September 1, 1942 to December 31, 1942 ($\frac{\$12,000}{\$96,000} \times \$43,200$).....	5,400.00
Excess profits tax imposed for 12-month period January 1, 1942, to December 31, 1942 (\$16,402.50 + \$5,400.00).....	21,802.50

Subtracting: Adjusted excess profits net income for 12-month period January 1, 1942 to December 31, 1942 (amount of which tax for 12-month period is 90%, or $\frac{100}{90} \times \$21,802.50$).....	\$24,225.00
Less: Dividends received credit provided by section 26 (b) (85% of \$15,000).....	12,750.00
Surtax net income.....	51,025.00
Less: Credit provided in section 26 (a) for interest on United States obligations.....	5,000.00
Normal tax net income.....	46,025.00
Normal tax on \$46,025.00.....	10,767.75
Surtax on \$51,025.00.....	8,164.00
Total tax on annual income.....	18,931.75

Net income for 8-month period January 1, 1942 to August 31, 1942.....	72,000.00
Net income for 12-month period January 1, 1942 to December 31, 1942.....	88,000.00
Amount of tax for 8-month period January 1, 1942 to August 31, 1942 ($\frac{\$72,000}{\$88,000} \times \$18,931.75$).....	15,489.61

The amount of tax that would be due if the income for the short period were not placed on an annual basis is \$15,354.75, computed as follows:

Net income for 8-month period.....	\$72,000.00
Excess profits tax for 8-month period.....	16,402.50
Subtracting: Adjusted excess profits net income (amount of which tax for period is 90%, or $\frac{100}{90} \times \$16,402.50$).....	18,225.00
Credit for dividends received (85% of \$12,000).....	10,200.00
Surtax net income.....	43,575.00
Less: Credit for interest on United States obligations.....	4,000.00
Normal tax net income.....	39,575.00
Normal tax on \$39,575.00.....	8,768.25
Surtax on \$43,575.00.....	6,586.50
Total tax for period.....	15,354.75

Since the tax for the short period computed under section 47 (c) (2) by reference to the actual income for the 12-month period, or \$15,489.61, is greater than the tax that would be due if the income for the short period were not placed on an annual basis, or \$15,354.75, the tax for the short period is reduced to \$15,489.61, the tax computed by reference to the income for the 12-month period.

(c) Application to compute tax under section 47 (c) (2). A taxpayer desiring the benefit of section 47 (c) (2) must file an application therefor. If at the time the return for the short period is filed the taxpayer is able to determine that the 12-month period ending with the close of the short period will be used in the computation under section 47 (c) (2), then the tax on the return for the short period may be determined under the provisions of section 47 (c) (2). In such a case, an income tax return form covering the 12-month period shall be attached to the return as a part thereof, and the return will then be considered the application for the benefits of sec-

tion 47 (c) (2) required by that section. In all other cases, the taxpayer shall file its return and compute its tax as provided in paragraph (a), and the application for the benefits of section 47 (c) (2) shall be made in the form of a claim for credit or refund. The claim shall set forth the computation of the net income and the tax thereon for the 12-month period, and must be filed not later than the time prescribed for filing the return for the first taxable year ending with or after the twelfth month after the beginning of the short period. For example, the taxpayer changes its accounting period from the calendar year basis to the fiscal year basis ending September 30, and files a return for the period from January 1, 1942 to September 30, 1942. Its application for the benefits of section 47 (c) (2) must be filed not later than the time prescribed for filing its return for the first taxable year which ends on or after the last day of December, 1942, the 12th month after the beginning of the short period. In this case, the taxpayer must file its application not later than December 15, 1943, the time prescribed for filing the return for its fiscal year ending September 30, 1943. However, if it obtains an extension of time for filing the return for such fiscal year, it may file its application during the period of such extension. If the Commissioner determines that the taxpayer has established the amount of the net income for the 12-month period, any excess of the tax paid for the short period over the tax computed under section 47 (c) (2) will be credited or refunded to the taxpayer in the same manner as in the case of an overpayment.

PAR. 4. There is inserted immediately after section 48, which section immediately follows § 19.47-2, the following:

SEC. 135. RETURNS FOR A PERIOD OF LESS THAN TWELVE MONTHS. (Revenue Act of 1942, Title I.)

(d) *Short taxable year.* The second sentence of section 48 (a) is amended to read as follows: "Taxable year" means, in the case of a return made for a fractional part of a year under the provisions of this chapter or under regulations prescribed by the Commissioner with the approval of the Secretary, the period for which such return is made."

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

PAR. 5. Section 19.52-1, as amended by Treasury Decision 5165, approved August 13, 1942, is further amended by changing the sixth sentence thereof to read as follows:

A corporation is not in existence after it ceases business and dissolves, retaining no assets, whether or not under State law it may thereafter be treated as continuing as a corporation for certain limited purposes connected with winding up its affairs, such as for the purpose of suing and being sued. If the corporation has valuable claims for which it will bring suit during this period, it has re-

tained assets, and it continues in existence. A corporation does not go out of existence if it is merely turned over to receivers or trustees who continue to operate it.

PAR. 6. Section 19.53-1, as amended by Treasury Decision 5165, approved August 13, 1942, is further amended as follows:

A. By striking out the phrase "by a corporation" in the first sentence thereof.

B. By striking out the second and third sentences, and inserting in lieu thereof the following sentences:

The return by a taxpayer (other than a nonresident alien individual or foreign corporation) for a fractional part of a year beginning in 1942 and ending in that year by reason of the taxpayer going out of existence shall be filed on or before March 15, 1943. In all other cases, the return (other than a return by a nonresident alien individual or foreign corporation) for a fractional part of a year shall be filed on or before the fifteenth day of the third full calendar month following the close of the fractional part of a year, except that upon a showing by the taxpayer of unusual circumstances, the Commissioner may prescribe a later time for the filing of the return. In such a case, the time prescribed by the Commissioner shall not be later than the fifteenth day of the fifteenth month ending after the beginning of such fractional part of a year.

PAR. 7. There is inserted immediately preceding § 19.102-1 the following:

SEC. 135. RETURNS FOR A PERIOD OF LESS THAN TWELVE MONTHS. (Revenue Act of 1942, Title I.)

(b) *Income for certain taxes not placed on annual basis.*—(1) *Surtax on corporations improperly accumulating surplus.* Section 102 is amended by inserting at the end thereof the following new subsection:

"(f) *Income not placed on annual basis.* Section 47 (c) shall not apply in the computation of the tax imposed by this section."

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

PAR. 8. Section 19.102-4, as amended by Treasury Decision 5086, approved October 10, 1941, is further amended by inserting at the end of the first paragraph thereof the following sentence:

In the case of a taxable year of less than 12 months on account of a change in the accounting period of the corporation, the corporate net income is computed on the basis of the period included in the taxable year, and is not placed on an annual basis under the provisions of section 47 (c).

PAR. 9. There is inserted immediately preceding § 19.336-1, the following:

SEC. 135. RETURNS FOR A PERIOD OF LESS THAN TWELVE MONTHS. (Revenue Act of 1942, Title I.)

(b) *Income for certain taxes not placed on annual basis.*

(2) *Foreign personal holding companies.* Section 336 is amended by inserting at the end thereof the following new subsection:

"(d) *Income not placed on annual basis.*—The net income shall be computed without regard to section 47 (c)."

PAR. 10. Section 19.336-1, as amended by Treasury Decision 5217, approved January 19, 1943, is further amended by inserting immediately after the first sentence thereof the following sentence:

In the case of a taxable year of less than 12 months on account of a change in the accounting period of the corporation, the net income as so computed is not placed on an annual basis under section 47 (c).

PAR. 11. There is inserted immediately preceding § 19.393-1, as added to such Regulations 103 by Treasury Decision 5036, approved February 5, 1941, the following:

SEC. 135. RETURNS FOR A PERIOD OF LESS THAN TWELVE MONTHS. (Revenue Act of 1942, Title I.)

(b) *Income for certain taxes not placed on annual basis.*

(3) *Personal service corporations.* Section 393 is amended by inserting at the end thereof the following new sentence: "For the purposes of this section, the net income shall be computed without regard to section 47 (c)."

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

PAR. 12. Section 19.393-1, as added to Regulations 103 by such Treasury Decision 5036, is amended by inserting at the end of the first paragraph thereof the following sentence:

In the case of a taxable year of less than 12 months on account of a change in the accounting period of the corporation, the corporate net income, as defined in section 21, is computed on the basis of the period included in the taxable year, and is not placed on an annual basis under the provisions of section 47 (c).

PAR. 13. There is inserted immediately preceding § 19.505-1 the following:

SEC. 135. RETURNS FOR A PERIOD OF LESS THAN TWELVE MONTHS. (Revenue Act of 1942, Title I.)

(b) *Income for certain taxes not placed on annual basis.*

(4) *Personal holding companies.*—Section 505 is amended by inserting at the end thereof the following new subsection:

"(e) *Income not placed on annual basis.*—The net income shall be computed without regard to section 47 (c)."

PAR. 14. Section 19.505-1, as amended by Treasury Decision 5217, approved January 19, 1943, is further amended by inserting at the end of the first paragraph thereof the following sentence:

In the case of a taxable year of less than 12 months on account of a change in the accounting period of the corporation, the subchapter A net income is computed on the basis of the period included in the

taxable year, and is not placed on an annual basis under section 47 (c).

(Secs. 47, 48, 52, 53, 62, 102, 336, 393, and 505 of the Internal Revenue Code (53 Stat. 26, 27, 28, 32, 35, 95, and 108; --- Stat. ---; 26 U.S.C., 47, 48, 52, 53, 62, 102, 336, 393, and 505) and Secs. 101 and 135 of the Revenue Act of 1942 (Pub. Law 753, 77th Cong.))

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: March 18, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-4308; Filed, March 20, 1943;
10:05 a. m.]

[T. D. 5246]

PART 30—REGULATIONS UNDER THE EXCESS- PROFITS ACT OF 1940

EXCESS-PROFITS TAX

Regulations 109 amended to conform to Revenue Act of 1942 (77th Congress), section 202, relating to rate of excess-profits tax, section 203, relating to certain fiscal year taxpayers, section 204, relating to unused excess profits credit adjustment, section 205 (a), relating to excess profits tax in case of certain mutual insurance companies, section 205 (g) (1), relating to specific exemption of certain mutual insurance companies, section 222 (b), relating to deferment of payment of tax in case of abnormality, section 226, relating to exemption from tax of mining of certain strategic minerals, and section 229, relating to termination of Supplement B.

In order to conform Regulations 109 [Part 30, Title 26, Code of Federal Regulations, 1941 Sup.] to sections 202, 203, 204, 205 (a), 205 (g) (1), 222 (b), 226, and 229, of the Revenue Act of 1942 (Public Law 753, 77th Congress), approved October 21, 1942, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 30.710-1 the following:

SEC. 202. RATE OF EXCESS-PROFITS TAX. (Revenue Act of 1942, Title II.)

Section 710 (a) (1) (relating to rate of excess-profits tax) is amended to read as follows:

(1) *General rule.* There shall be levied, collected, and paid, for each taxable year, upon the adjusted excess-profits net income, as defined in subsection (b), of every corporation (except a corporation exempt under section 727) a tax equal to whichever of the following amounts is the lesser:

(A) 90 per centum of the adjusted excess-profits net income, or

(B) an amount which when added to the tax imposed for the taxable year under Chapter 1 (other than section 102) equals 80 per centum of the corporation surtax net income, computed under section 15 or Supplement G, as the case may be, but without regard to the credit provided in section 26 (e) (relating to income subject to the tax imposed by this subchapter).

SEC. 229. TERMINATION OF SUPPLEMENT B. (Revenue Act of 1942, Title II.)

(a) *Retrospective repeal of section 752.*

(2) Section 710 (a) (2) (relating to application of highest bracket amount in computing tax) is repealed as of the date of enactment of the Second Revenue Act of 1940.

SEC. 203. CERTAIN FISCAL YEAR TAXPAYERS. (Revenue Act of 1942, Title II.)

(a) *Computation of tax for year ending in 1942.* Section 710 (a) (relating to imposition of excess-profits tax) is amended by inserting at the end thereof the following new paragraph:

"(3) *Taxable years beginning in 1941 and ending after June 30, 1942.* In the case of a taxable year beginning in 1941 and ending after June 30, 1942, the tax shall be an amount equal to the sum of—

"(A) that portion of a tentative tax under this subchapter, computed without regard to section 203 of the Revenue Act of 1942, which the number of days in such taxable year before July 1, 1942, bears to the total number of days in such taxable year, plus

"(B) that portion of a tentative tax under this subchapter, computed as if the amendments made by sections 105 (c), 105 (d), 202, and 206 of the Revenue Act of 1942 were applicable to such taxable year, which the number of days in such taxable year after June 30, 1942, bears to the total number of days in such taxable year."

(b) *Taxable years to which amendment applicable.* The amendment made by this section shall be applicable to taxable years beginning in 1941 and ending after June 30, 1942.

SEC. 205. COMPUTATION OF EXCESS PROFITS AND INVESTED CAPITAL OF INSURANCE COMPANIES. (Revenue Act of 1942, Title II.)

(a) Section 710 (a) (relating to imposition of excess profits tax) is amended by inserting at the end thereof the following new paragraph:

"(4) *Mutual insurance companies.* In the case of a mutual insurance company other than life or marine, if the gross amount received from interest, dividends, rents, and premiums (including deposits and assessments) is over \$75,000 but less than \$125,000, the tax imposed under this section shall be an amount which bears the same proportion to the amount ascertained under this section, computed without reference to this paragraph, as the excess over \$75,000 of such gross amount received bears to \$50,000."

SEC. 222. RELIEF PROVISIONS. (Revenue Act of 1942, Title II.)

(b) *Deferment of payment of tax.* Section 710 (a) is amended by inserting at the end thereof the following new paragraph:

"(5) *Deferment of payment in case of abnormality.* If the adjusted excess profits net income (computed without reference to section 722) for the taxable year of a taxpayer which claims on its return, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, the benefits of section 722, is in excess of 50 per centum of its normal tax net income for such year, computed without the credit provided in section 26 (e) (relating to adjusted excess profits net income), the amount of tax payable at the time prescribed for payment may be reduced by an amount equal to 33 per centum of the amount of the reduction in the tax so claimed. For the purposes of section 271, if the tax payable is the tax so reduced, the tax so reduced shall be considered the amount shown on the return."

SEC. 205. COMPUTATION OF EXCESS PROFITS AND INVESTED CAPITAL OF INSURANCE COMPANIES. (Revenue Act of 1942, Title II.)

(g) *Specific exemption and returns of inter insurers and reciprocal underwriters.*

(1) *Specific exemption.* Section 710 (b) (1) is amended by inserting before the semicolon at the end thereof a comma and the following: "and in the case of a mutual insurance company (other than life or marine)

which is an interinsurer or reciprocal underwriter a specific exemption of \$50,000".

SEC. 204. TWO-YEAR CARRY-BACK OF UNUSED EXCESS PROFITS CREDIT. (Revenue Act of 1942, Title II.)

(a) *Technical amendment.* Section 710 (b) (3), relating to the deduction of the excess profits credit carry-over, is amended by striking out "excess profits credit carry-over" and by inserting in lieu thereof "unused excess profits credit adjustment".

(b) *Carry-back of unused credit.* Section 710 (c) (relating to the determination of the excess profits credit carry-over) is amended to read as follows:

"(c) *Unused excess profits credit adjustment.*

"(1) *Computation of unused excess profits credit adjustment.* The unused excess profits credit adjustment for any taxable year shall be the aggregate of the unused excess profits credit carry-overs and unused excess profits credit carry-backs to such taxable year.

"(2) *Definition of unused excess profits credit.* The term 'unused excess profits credit' means the excess, if any, of the excess profits credit for any taxable year beginning after December 31, 1939, over the excess profits net income for such taxable year, computed on the basis of the excess profits credit applicable to such taxable year. For such purpose the excess profits credit and the excess profits net income for any taxable year beginning in 1940 shall be computed under the law applicable to taxable years beginning in 1941. The unused excess profits credit for a taxable year of less than twelve months shall be an amount which is such part of the unused excess profits credit determined under the first sentence of this paragraph as the number of days in the taxable year is of the number of days in the twelve months ending with the close of the taxable year.

"(3) *Amount of unused excess profits credit carry-back and carry-over.*

"(A) *Unused excess profits credit carry-back.* If for any taxable year beginning after December 31, 1941, the taxpayer has an unused excess profits credit, such unused excess profits credit shall be an unused excess profits credit carry-back for each of the two preceding taxable years, except that the carry-back in the case of the first preceding taxable year shall be the excess, if any, of the amount of such unused excess profits credit over the adjusted excess profits net income for the second preceding taxable year computed for such taxable year (i) by determining the unused excess profits credit adjustment without regard to such unused excess profits credit and (ii) without the deduction of the specific exemption provided in subsection (b) (1).

"(B) *Unused excess profits credit carry-over.* If for any taxable year beginning after December 31, 1939, the taxpayer has an unused excess profits credit, such unused excess profits credit shall be an unused excess profits credit carry-over for each of the two succeeding taxable years, except that the carry-over in the case of the second succeeding taxable year shall be the excess, if any, of the amount of such unused excess profits credit over the adjusted excess profits net income for the intervening taxable year computed for such intervening taxable year (i) by determining the unused excess profits credit adjustment without regard to such unused excess profits credit or to any unused excess profits credit carry-back, and (ii) without the deduction of the specific exemption provided in subsection (b) (1). For the purposes of the preceding sentence, the unused excess profits credit for any taxable year beginning after December 31, 1941, shall first be reduced by the sum of the adjusted excess profits net income for each of the two preceding taxable years (computed for each such preceding taxable year (i) by determining the unused excess profits credit adjust-

ment without regard to such unused excess profits credit or to the unused excess profits credit for the succeeding taxable year, and (H) without the deduction of the specific exemption provided in subsection (b) (1).

"(4) No carry-back to year prior to 1941. As used in this subsection, the term 'preceding taxable year' and the term 'preceding taxable years' do not include any taxable year beginning prior to January 1, 1941."

(c) *Taxable years to which amendments applicable.* The amendments made by this section shall be applicable only to taxable years beginning after December 31, 1940.

SEC. 201. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title II.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

PAR. 2. Section 30.710-1 is amended as follows:

A. By changing the third sentence to read as follows:

A corporation, the excess profits net income of which for any taxable year, computed under the provisions of section 711 (a) (2) and (3) applicable to such year is not greater than \$5,000, or a mutual insurance company (other than life or marine) which is an interinsurer or reciprocal underwriter, the excess profits net income of which for a taxable year beginning after December 31, 1941, is not greater than \$50,000, need not file an excess profits tax return for such year.

B. By inserting at the end the following new sentence:

With respect to a taxable year beginning after December 31, 1941, the excess profits tax shall not exceed an amount which when added to the normal tax and surtax for such year equals 80 percent of the corporation surtax net income computed without regard to the credit provided in section 26 (e) for income subject to excess profits tax.

PAR. 3. Section 30.710-2 as amended by Treasury Decision 5092, approved October 21, 1941, is stricken out and there are inserted in lieu thereof §§ 30.710-2, 30.710-3, 30.710-4, and 30.710-5, as follows:

§ 30.710-2 *Measure of tax.* The adjusted excess profits net income upon which is based the excess profits tax for a taxable year is determined by deducting from the excess profits net income (determined under the provisions of section 711 applicable to such year) the sum of:

(a) A specific exemption of \$5,000; with respect to years beginning after December 31, 1941, in the case of a mutual insurance company (other than life or marine) which is an interinsurer or reciprocal underwriter, the specific exemption is \$50,000.

(b) The excess profits credit allowed by section 712 or section 741, in the case of certain reorganizations, and

(c) With respect to taxable years beginning in 1940, a carry-over of the unused excess profits credit (as defined in section 710 (c) (1) prior to its amendment by the Revenue Act of 1942) for the two preceding excess profits tax taxable years (short taxable years), computed as provided in section 710 (c) (2) prior to its amendment by the Revenue Act of 1942, or

(d) With respect to taxable years beginning after December 31, 1940, the unused excess profits credit adjustment (as defined in section 710 (c) (1)) consisting of the aggregate of the unused excess profits credit carry-overs from each of the two preceding excess profits tax taxable years and the excess profits credit carry-backs from each of the two succeeding excess profits tax taxable years, computed as provided in section 710 (c) (2).

For the computation of corporation surtax net income computed without regard to the credit provided in section 26 (e) relating to income subject to the excess profits tax, in those cases where the excess profits tax is an amount which when added to the tax imposed by chapter 1 (other than section 102) equals 80 percent of such corporation surtax net income, see § 30.710-4 (c).

As to the exemption of income in the case of certain corporations engaged in mining strategic metals, see section 731; as to the excess profits tax in the case of corporations completing contracts under the Merchant Marine Act of 1936, see section 726; and in the case of corporations deriving abnormal income in the taxable year, see section 721.

For the computation of the excess profits tax for a taxable year of less than twelve months, see the provisions of section 711 (a) (3) applicable to such year.

§ 30.710-3 *Unused excess profits credit, excess profits credit carry-over and carry-back, and unused excess profits credit adjustment.*—(a) *Unused excess profits credit.* The unused excess profits credit for any taxable year beginning after December 31, 1939 is the excess of the excess profits credit for the taxable year over the excess profits net income, if any, for such taxable year. In the case of a taxpayer entitled to use the excess profits credit based on income or the excess profits credit based on invested capital, the credit which results in the larger unused excess profits credit is used. The excess profits net income is computed on the basis of the excess profits credit so used. In computing the unused excess profits credit for a taxable year beginning in 1940, the excess profits credit and the excess profits net income for such taxable year shall be computed under the law applicable to taxable years beginning on January 1, 1941.

For the purpose of determining the carry-over or carry-back of the unused excess profits credit to a taxable year beginning after December 31, 1940, the unused excess profits credit for a taxable year of less than 12 months is reduced to such part of the unused excess profits credit determined in the manner prescribed in the preceding paragraph as the number of days in the taxable year of less than 12 months is of the number of days in the 12 months ending with the close of the taxable year. In determining the unused excess profits credit which is so reduced, the excess profits net income for the taxable year of less than 12 months is first placed on an annual basis under the provisions of section 711 (a) (3) (A) by reference to the number of days in the taxable year. For example, a taxpayer changes from the calendar year basis to a fiscal year

basis ending January 31, and files a return for the taxable year January 1 to January 31, 1942. Its excess profits credit for this taxable year is \$91,250. Its excess profits net income computed on the basis of this taxable year is \$6,200, and this excess profits net income placed on an annual basis under the provisions of section 711 (a) (3) (A) is \$73,000, that is $\frac{365 \times \$2,000}{31}$. The unused excess

profits credit computed under the preceding paragraph is, therefore, \$18,250, the excess of the \$91,250 excess profits credit over the \$73,000 excess profits net income placed on an annual basis. The unused excess profits credit for the taxable year January 1 to January 31, 1942, is reduced to \$1,550, that is $\frac{31 \times \$18,250}{365}$, or such part of \$18,250 as the

number of days in the taxable year (31) is of the number of days in the 12 months ending with the close of the taxable year (365).

(b) *Excess profits credit carry-over: two or more taxable years beginning in 1940.* In the case of a taxpayer having two or more taxable years beginning in 1940, the adjusted excess profits net income for the second and any subsequent taxable year beginning in 1940 is determined by deducting from the excess profits net income for such taxable year not only the taxpayer's excess profits credit and its \$5,000 specific exemption but also its excess profits credit carry-over for such taxable year. If there were only two taxable years beginning in 1940, the excess profits credit carry-over for the second taxable year is the unused profits credit for the first taxable year. In cases in which there were more than two taxable years beginning in 1940, the method for determining the excess profits credit carry-over for the third and any subsequent taxable years beginning in 1940 is set forth in section 710 (c) prior to its amendment by the Revenue Act of 1942. The provisions of section 710 (c) (2), as amended by the Revenue Act of 1942, for the reduction of the unused excess profits credit in the case of a taxable year of less than 12 months do not apply for the purpose of computing the excess profits credit carry-over for a taxable year beginning in 1940.

(c) *Unused excess profits credit adjustment: taxable years beginning after December 31, 1940.* For taxable years beginning after December 31, 1940, the adjusted excess profits net income is determined by deducting from the excess profits net income the taxpayer's excess profits credit, its \$5,000 specific exemption, and its unused excess profits credit adjustment. The unused excess profits credit adjustment is the aggregate of the portions of the unused excess profits credits for the two preceding and two succeeding taxable years which are treated under section 710 (c) (3), as amended by the Revenue Act of 1942, as unused excess profits credit carry-overs and unused excess profits credit carry-backs to the taxable year.

The unused excess profits credit carry-over to a taxable year beginning after December 31, 1940 should be distinguished from the excess profits credit carry-over for a taxable year beginning

in 1940. The excess profits credit carry-over for a taxable year beginning in 1940, described in paragraph (b) of this section, is the amount, deductible from the excess profits net income for the taxable year in determining the adjusted excess profits net income, which is computed by reference to the unused excess profits credits for such of the two taxable years preceding the taxable year as begin after December 31, 1939. The unused excess profits credit carry-over to a taxable year beginning after December 31, 1940, is the portion of the unused excess profits credit for any taxable year beginning after December 31, 1939, which is carried over to a subsequent taxable year and forms part of the unused excess profits credit adjustment which is deducted from the excess profits net income for such subsequent taxable year to determine adjusted excess profits net income.

(d) *Amount of unused excess profits credit carry-overs and unused excess profits credit carry-backs used to determine unused excess profits credit adjustment.* Under the provisions of section 710 (c) (3), as amended by the Revenue Act of 1942, the unused excess profits credit for any taxable year beginning before January 1, 1941, and carried back to each of the two preceding taxable years (not considering as a preceding taxable year any taxable year beginning before January 1, 1941) and forms part of the unused excess profits credit adjustment for such preceding taxable year. The unused excess profits credit for any taxable year beginning after December 31, 1939, to the extent it is not used as a carry-back, is carried forward to the two succeeding taxable years and forms part of the unused excess profits credit adjustment for such of those succeeding taxable years as begin after December 31, 1940. The amount which is carried back or carried forward is limited in the case of each such preceding or succeeding taxable year to the portion of the unused excess profits credit which was not applied against excess profits net income (either as part of the excess profits credit carry-over in the case of a taxable year beginning in 1940 or as part of the unused excess profits credit adjustment in the case of a taxable year beginning after December 31, 1940) in determining the adjusted excess profits net income for the taxable years, if any, before such preceding or succeeding taxable year. The amount of the unused excess profits credit which was so applied is determined as follows: The adjusted excess profits net income is computed for each such taxable year without the specific exemption of \$5,000 allowed by section 710 (b) (1), and without credit of any carry-over or carry-back from the taxable year in which such unused excess profits credit arose or from any taxable year subsequent thereto. The unused excess profits credit, which is a carry-over or a carry-back to such taxable year, is considered to have been applied against the amount so computed.

The entire unused excess profits credit for any taxable year beginning after December 31, 1939 but not beginning after December 31, 1941 is carried over to the first succeeding taxable year. The un-

used excess profits credit is carried over to the second succeeding taxable year to the extent it exceeds the adjusted excess profits net income for the first succeeding taxable year (whether or not such first succeeding taxable year began after December 31, 1940). For the purpose of determining this excess, the adjusted excess profits net income is computed without credit of the specific exemption of \$5,000 allowed by section 710 (b) (1) and without credit of the carry-over from the taxable year in which the unused excess profits credit arose or of any carry-over or carry-back from a taxable year subsequent thereto. The entire unused excess profits credit for any taxable year beginning after December 31, 1941 is carried back to the second preceding taxable year if such taxable year began after December 31, 1940. If the second preceding taxable year began prior to January 1, 1941, the entire unused excess profits credit is carried back to the first preceding taxable year, since a taxable year beginning prior to January 1, 1941 is not considered a "preceding taxable year" for the purposes of section 710 (c) (3), as amended by the Revenue Act of 1942, and no part of the adjusted excess profits net income for such a taxable year reduces the amount of the unused excess profits credits for a taxable year beginning after December 31, 1941, which may be carried back or carried over to other taxable years. If the second preceding taxable year began after December 31, 1940, the unused excess profits credit is carried back to the first preceding taxable year to the extent it exceeds the adjusted excess profits net income for the second preceding taxable year (such adjusted excess profits net income being computed without credit of the specific exemption of \$5,000 and without credit of any carry-back from the taxable year in which the unused excess profits credit arose or of any carry-back from any taxable year subsequent thereto). The unused excess profits credit is carried over to the first succeeding taxable year to the extent that it exceeds the aggregate of the adjusted excess profits net income for the two preceding taxable years (computed for each such taxable year without credit of the specific exemption of \$5,000 and without credit of any carry-back from the taxable year in which such unused excess profits credit arose or of any carry-back from a taxable year subsequent thereto), not considering as a preceding taxable year any taxable year beginning prior to January 1, 1941. The unused excess profits credit is carried over to the second succeeding taxable year to the extent that the unused excess profits credit exceeds the aggregate of the adjusted excess profits net income for the two preceding taxable years and for the first succeeding taxable year (computed for each such taxable year without credit of the specific exemption of \$5,000 and without credit of any carry-over or carry-back from the taxable year in which the unused excess profits credit arose or from any taxable year subsequent thereto), not considering as a preceding taxable year any taxable year beginning prior to January 1, 1941.

The following example illustrates the operation of section 710 (c) (3), as amended by the Revenue Act of 1942.

Example. It is assumed that the taxpayer, on the calendar year basis, has an excess profits credit of \$100,000. It has no unused excess profits credit for 1940 or 1941. It has \$125,000 excess profits net income in 1942, \$185,000 excess profits net income in 1943, \$55,000 excess profits net income in 1944, \$25,000 excess profits net income in 1945, \$30,000 excess profits net income in 1946, \$160,000 excess profits net income in 1947, and \$200,000 excess profits net income in 1948. It has no unused excess profits credit in 1949 or 1950. Since the taxpayer has a \$100,000 excess profits credit, and excess profits net income of only \$55,000 in 1944, \$25,000 in 1945, and \$30,000 in 1946, it has an unused excess profits credit of \$45,000 in 1944, \$75,000 in 1945, and \$70,000 in 1946. Such unused excess profits credit will form the basis for carry-backs and carry-overs computed as follows:

(1) The amount of the \$45,000 unused excess profits credit for 1944 which may be used as a carry-back to 1942 and 1943 and as a carry-over to 1945 and 1946 is computed as follows:

(i) For 1942, the carry-back is \$45,000 (the amount of the unused excess profits credit).

(ii) For 1943, the carry-back is \$20,000, determined by deducting from the \$45,000 unused excess profits credit the adjusted excess profits net income for 1942 computed without the deduction of the specific exemption or any carry-back from 1944 or from any year subsequent to 1944 (the \$125,000 excess profits net income for 1942 less the \$100,000 excess profits credit for such taxable year, or \$25,000).

(iii) For 1945 and 1946 there is no carry-over from 1944 since all of the unused excess profits credit has been applied against the excess profits net income for 1942 and 1943. To determine the carry-over, the \$45,000 unused excess profits credit must first be reduced by the sum of the adjusted excess profits net income for 1942 and 1943 computed for each such year without the deduction of any \$5,000 specific exemption or of any carry-back from 1944 or from any year subsequent to 1944 (for 1942, the \$125,000 excess profits net income less the \$100,000 excess profits credit for such year, or \$25,000, plus, for 1943, the \$185,000 excess profits net income less the \$100,000 excess profits credit for such year, or \$85,000, a total of \$110,000).

(2) The amount of the \$75,000 unused excess profits credit for 1945 which may be used as a carry-back to 1943 and 1944, and as a carry-over to 1946 and 1947, is computed as follows:

(i) For 1943, the carry-back is \$75,000 (the amount of the unused excess profits credit).

(ii) For 1944, the carry-back is \$10,000, determined by deducting from the \$75,000 unused excess profits credit the \$65,000 adjusted excess profits net income for 1943 computed without the deduction of the \$5,000 specific exemption or of any carry-back from 1945 or any year subsequent to 1945 (the \$185,000 excess profits net income for 1943, less the \$100,000 excess profits credit and the \$20,000 excess profits credit carry-back from 1944).

(iii) For 1946, the carry-over is \$10,000, determined by reducing the \$75,000 unused excess profits credit by the sum of the adjusted excess profits net income for 1943 and 1944 computed for each such year without the deduction of any \$5,000 specific exemption or of any carry-back from 1945 or any year subsequent to 1945 (for 1943, the \$185,000 excess profits net income less the \$100,000 excess profits credit and the \$20,000 carry-back from 1944, or \$65,000, plus, for 1944, the \$55,000 excess profits net income less the \$100,000 excess profits credit, or \$45,000 adjusted excess profits net income, a total of \$110,000).

(iv) For 1947, the carry-over is also \$10,000, since there was no adjusted excess profits net

income for 1946, computed without the deduction of the \$5,000 specific exemption or of any carry-over from 1945 or of any carry-over or carry-back from any year subsequent to 1945 (the \$30,000 excess profits net income for 1946 less the \$100,000 excess profits credit), to offset any of the carry-over to such year.

(3) The amount of the \$70,000 unused excess profits credit for 1946 which may be taken as a carry-back to 1944 and 1945, and as a carry-over to 1947 and 1948, is computed as follows:

(i) For 1944, the carry-back is \$70,000 (the unused excess profits credit).

(ii) For 1945, the carry-back is also \$70,000, since there was no adjusted excess profits net income for 1944, computed without the deduction of the \$5,000 specific exemption or of the carry-back from 1946 or from any year subsequent to 1946 (the excess profits net income of \$55,000 for 1944 less the \$100,000 excess profits credit and the \$10,000 carry-back from 1945) to offset any of such unused excess profits credit for 1946.

(iii) For 1947, the carry-over is also \$70,000, since there was no adjusted excess profits net income in 1944 or 1945 to offset any of the unused excess profits credit for 1946. The carry-over to 1947 is computed by reducing the \$70,000 unused excess profits credit by the sum of the adjusted excess profits net income for 1944 and 1945, computed for each such year without the deduction of any \$5,000 specific exemption or of any carry-back from 1946 or from any year subsequent to 1946. (For 1944, the adjusted excess profits net income so computed is \$0, that is, the \$55,000 excess profits net income for such year less the \$100,000 excess profits credit and the \$10,000 carry-back from 1945. For 1945, the adjusted excess profits net income so computed is \$0, that is, the \$25,000 excess profits net income for 1945 less the \$100,000 excess profits credit.)

(iv) For 1948, the carry-over is \$20,000, computed by reducing the \$70,000 carry-over to 1947 by the adjusted excess profits net income for 1947 computed without the deduction of the \$5,000 specific exemption or of the carry-over from 1946 or of any carry-over or carry-back from a year subsequent to 1946 (that is, the \$160,000 excess profits net income for 1947 less the \$100,000 excess profits credit and the \$10,000 carry-over from 1945).

The aggregate of the carry-backs and carry-overs to each taxable year beginning after December 31, 1940 is the unused excess profits credit adjustment for such taxable year which may be credited against excess profits net income to determine adjusted excess profits net income. Therefore, the unused excess profits credit adjustment for 1942 is \$45,000, the carry-back to that year from 1944. The unused excess profits credit adjustment for 1943 is \$95,000, the aggregate of the \$20,000 carry-back from 1944 and the \$75,000 carry-back from 1945. The unused excess profits credit adjustment for 1947 is \$80,000, the aggregate of the \$10,000 carry-over from 1945 and the \$70,000 carry-over from 1946. The unused excess profits credit adjustment for 1948 is \$20,000, the carry-over from 1946.

In the case of a mutual insurance company (other than life or marine) which is an insurer or reciprocal underwriter, the \$50,000 exemption allowed in such cases under section 710 (b) (1) is to be substituted whenever reference is made in this section to the \$5,000 specific exemption.

(e) *Ascertainment of unused excess profits credit adjustment dependent upon unused excess profits credit carry-back.* If, for any taxable year beginning after December 31, 1940, the taxpayer is entitled in computing its unused excess profits credit adjustment to an unused excess profits credit carry-back which it is not able to ascertain at the

time its return is due, it shall compute the unused excess profits credit adjustment on its return without regard to such unused excess profits credit carry-back. When the taxpayer ascertains the unused excess profits credit carry-back, it may file a claim for credit or refund of the overpayment, if any, resulting from the failure to compute the unused excess profits credit adjustment for the taxable year with the inclusion of such carry-back. Under the provisions of section 3771 (e), as added by section 153 (d) of the Revenue Act of 1942, no interest is allowed with respect to any such overpayment for the period prior to the filing of the claim for credit or refund of such overpayment or prior to the filing of a petition to the Tax Court of the United States asserting such overpayment, whichever is earlier. If the taxpayer files a claim based upon the overpayment caused by a carry-back from the first succeeding taxable year, and later ascertains that it is entitled to a carry-back from the second succeeding taxable year, it shall file a second claim for credit or refund based on the overpayment, if any, caused by the failure to take into account the carry-back from such second succeeding taxable year.

§ 30.710-4 *Rate of tax*—(a) *Taxable years beginning prior to January 1, 1942 and ending before July 1, 1942.* The following tables show the excess profits tax (1) for taxable years beginning in 1940, and (2) for taxable years beginning in 1941 and ending before July 1, 1942, upon certain specified amounts of adjusted excess profits net income. In each instance the first figure of the adjusted excess profits net income in the adjusted excess profits net income column is to be excluded and the second figure included. The percentage given opposite applies to the excess of income over the first figure in the adjusted excess profits net income column. The last column gives the total excess profits tax on an adjusted excess profits net income equal to the second figure in the adjusted excess profits net income column.

TABLE I.—Taxable years beginning in 1940

Adjusted excess profits net income	Percent	Total excess profits tax
\$0 to \$20,000.....	25	\$5,000
\$20,000 to \$50,000.....	30	14,000
\$50,000 to \$100,000.....	35	31,500
\$100,000 to \$250,000.....	40	91,500
\$250,000 to \$500,000.....	45	204,000
\$500,000 up.....	50

TABLE II.—Taxable years beginning in 1941 and ending before July 1, 1942

Adjusted excess profits net income	Percent	Total excess profits tax
\$0 to \$20,000.....	35	\$7,000
\$20,000 to \$50,000.....	40	19,000
\$50,000 to \$100,000.....	45	41,500
\$100,000 to \$250,000.....	50	116,500
\$250,000 to \$500,000.....	55	254,000
\$500,000 up.....	60

The excess profits tax for any amount of adjusted excess profits net income not stated in round figures in the table is computed by adding to the excess profits tax for the largest amount stated which

is less than the adjusted excess profits net income, the excess profits tax upon the excess over that amount at the rate indicated in the table.

The computation of the tax is illustrated by the following example:

Example. The X Corporation has for the calendar year 1941 an excess profits net income of \$800,000. The amount of its excess profits credit as allowed under section 712 is \$195,000. The excess profits tax of the corporation for the calendar year 1941 is \$314,000, computed as follows:

Excess profits net income.....	\$800,000
Less:	
Specific exemption.....	\$5,000
Excess profits credit.....	195,000
	200,000
Adjusted excess profits net income.....	600,000
Computation of excess profits tax	
Tax on \$500,000 (see table).....	254,000
Tax on \$100,000 at 60 percent.....	60,000
Total.....	314,000

(b) *Taxable years beginning in 1941 and ending after June 30, 1942.* The excess profits tax for a taxable year beginning in 1941 and ending after June 30, 1942, is an amount determined under section 710 (a) (3), in lieu of an amount which would otherwise be determined under the law applicable to taxable years beginning on January 1, 1941. Such excess profits tax is computed in a manner comparable to the computation of the normal tax and surtax under section 108 (a) (1) for the same taxable year, that is, as the sum of the proportionate parts of two tentative taxes. (See § 19.108-1 of Regulations 103.) Consequently, each of the tentative excess profits taxes is to be computed in the light of, and with regard to, the computation of the corresponding tentative normal tax and surtax.

The excess profits tax computed under section 710 (a) (3) is an amount equal to the sum of:

(1) That portion of a tentative excess profits tax computed under the law applicable to taxable years beginning on January 1, 1941, which the number of days before July 1, 1942, in the taxable year of the taxpayer bears to the total number of days in such year, plus

(2) That portion of a tentative excess profits tax computed under the law applicable to taxable years beginning on January 1, 1941, determined as if such law included the amendments made by the Revenue Act of 1942 in section 105 (c) (relating to the nondeductibility of the excess profits tax in computing net income), section 105 (d) (relating to the credit under section 26 (e) for income subject to excess profits tax), section 202 (relating to rate of excess profits tax for years beginning after December 31, 1941), and section 206 (relating to certain technical changes in the determination of excess profits net income under section 711, occasioned by the change in base for the computation of normal tax and surtax), which the number of days after June 30, 1942, in the taxable year of the taxpayer bears to the total number of days in such year.

The tentative excess profits taxes determined under section 710 (a) (3) (A) and subparagraph (1) of this section, or section 710 (a) (3) (B) and subpara-

graph (2) of this section, to be prorated in the determination of the excess profits tax under section 710 (a) (3), shall be the taxes prior to the credit under section 729 (c) and (d) for tax paid to a foreign country or possession of the United States and prior to the adjustment under section 734 on account of position inconsistent with prior income tax liability. The credit under section 729 (c) and (d) and the adjustment under section 734 shall be applied against the sum of the portion of the tentative excess profits taxes finally determined under section 710 (a) (3).

The excess profits net income for purposes of the tentative excess profits tax under section 710 (a) (3) (A) and subparagraph (1) of this subsection shall be computed upon the basis of the normal tax net income determined for the purposes of the tentative normal tax under section 108 (a) (1) (A), and any adjustments under section 711 (a) (1) and (2), applicable to a taxable year beginning on January 1, 1941, shall be made with respect to such normal tax net income.

The excess profits net income for purposes of the tentative excess profits tax under section 710 (a) (3) (B) and subparagraph (2) of this section shall be computed on the basis of the normal tax net income determined for the purposes of the tentative normal tax under section 108 (a) (1) (B), and any adjustments under section 711 (a) (1) and (2) applicable to a taxable year beginning on January 1, 1941, determined as if the amendments made by section 206 of the Revenue Act of 1942 were applicable to such year, shall be made with respect to such normal tax net income. If such tentative excess profits tax is computed as an amount under section 710 (a) (1) (B) which when added to the normal tax and surtax imposed for the taxable year under chapter 1 equals 80 percent of the corporation surtax net income determined without regard to the credit provided in section 26 (e) (relating to income subject to excess profits tax), the normal tax and surtax for the purposes of such computation shall be the tentative normal tax and surtax computed under section 108 (a) (1) (B), and the corporation surtax net income shall be the corporation surtax net income computed under the provisions of section 108 (a) (1) (B) but without regard to the credit under section 26 (e) for income subject to excess profits tax. Thus, in the computation of such corporation surtax net income, the deduction for charitable and other contributions under section 23 (q) and for percentage depletion and discovery depletion under section 23 (m) and section 114 limited to a percentage of net income shall be based upon net income without regard to any deduction for excess profits tax or for income subject to excess profits tax under section 26 (e). Likewise, the credit for dividends received, in the computation of such corporation surtax net income, shall be limited to an amount equal to 85 percent of such net income. For the computation of corporation surtax net income for purposes of the excess profits tax computation under section 710 (a) (1) (B), see § 30.710-4 (c).

Example. Assume that corporation F makes its income and excess profits tax re-

turns on the basis of a fiscal year beginning October 1, and ending on September 30. For the taxable year ending September 30, 1942, it has a net income of \$1,480,000 which includes \$100,000 of dividends consisting of \$80,000 of dividends upon the common stock of a domestic manufacturing company and \$20,000 of dividends upon the preferred stock of a public utility company and \$20,000 of interest on United States Government obligations which is exempt from the normal tax, but does not include a long-term capital loss of \$400,000 or \$60,000 of charitable contributions. Assume also that the excess profits credit based on income of corporation F is \$385,000 and that such corporation has no unused excess profits credit adjustment. Its excess profits tax under section 710 (a) (3) is \$565,228.66, computed as follows:

Tentative Excess Profits Tax Under Section 710 (a) (3) (A)

1. Normal tax net income computed without deduction of excess profits tax, of charitable contributions, or of credit for dividends received (item 25 plus the sum of item 16, item 19, and item 24).....	\$1,060,000
2. Less deduction for charitable contributions (item 18 but not in excess of 5 percent of item 15).....	54,000
3. Item 1 minus item 2.....	1,006,000
4. Less dividends received credit (100 percent of item 23).....	100,000
5. Item 3 minus item 4.....	906,000
6. Add net long-term capital loss.....	400,000
7. Excess profits net income (item 5 plus item 6).....	1,306,000
Brought forward.....	1,306,000
8. Less: Specific exemption.....	\$5,000
9. Excess profits credit.....	385,000
10. Item 8 plus item 9.....	890,000
11. Adjusted excess profits net income (item 7 minus item 10).....	916,000
12. Excess profits tax (\$254,000 plus 60 percent of \$416,000).....	503,600

Tentative Normal Tax and Surtax Under Section 108 (a) (1) (A)

13. Net income (partially computed).....	1,480,000
14. Less long-term capital loss.....	400,000
15. Item 13 minus item 14.....	1,080,000
16. Excess profits tax (item 12).....	503,600
17. Net income computed without deduction for charitable contributions.....	576,400
18. Amount of charitable contributions.....	\$60,000
19. Less deduction for charitable contributions (item 18, but not in excess of 5 percent of item 17).....	28,820
20. Net income (item 17 minus item 19).....	547,580
21. Less credit under section 26 (a) for interest on certain U. S. obligations.....	20,000
22. Adjusted net income.....	527,580
23. Dividends received.....	\$100,000
24. Less dividends received credit (85 percent of item 23 but not in excess of 85 percent of item 22).....	85,000
25. Normal tax net income (item 22 minus item 24).....	442,580
26. Tentative normal tax (24 percent of item 25).....	106,219.20

27. Net income (item 20).....	\$547,580
28. Dividends received.....	\$100,000
29. Less dividends received credit (85 percent of item 28 but not in excess of 85 percent of item 27).....	85,000
30. Corporation surtax net income (item 27 minus item 29).....	462,580
31. Surtax (\$1,500 plus 7 percent of \$437,580).....	32,130.60

Tentative Excess Profits Tax Under Section 710 (a) (3) (B)

33. Normal tax net income computed without credit under section 26 (e) for income subject to excess profits tax and without credit for dividends received (item 58).....	1,006,000
34. Less dividends received credit (100 percent of item 61).....	100,000
35. Item 33 minus item 34.....	906,000
36. Add net long-term capital loss.....	400,000
37. Excess profits net income.....	1,306,000
38. Less: Specific exemption.....	\$5,000
39. Excess profits credit.....	385,000
40. Item 38 plus item 39.....	890,000
41. Adjusted excess profits net income.....	916,000
42. Excess profits tax (80 percent of item 41).....	824,400
43. Net income (item 56).....	1,026,000
44. Amount of dividends received.....	\$100,000
45. Less dividends received credit (85 percent of item 44 but not in excess of 85 percent of item 43).....	85,000
46. Corporation surtax net income computed without the credit under section 26 (e) for income subject to excess profits tax (item 43 minus item 45).....	941,000
47. 80 percent of item 46.....	752,800
48. Total normal tax and surtax under Chapter 1 (item 72).....	4,695
49. Excess of item 47 over item 48.....	748,105
50. Tentative excess profits tax under section 710 (a) (3) (B) (item 42 or item 49, whichever is lesser).....	748,105

Tentative Normal Tax and Surtax Under Section 108 (a) (1) (B)

51. Net income (partially computed).....	1,480,000
52. Less long-term capital loss.....	400,000
53. Item 51 minus item 52.....	1,080,000
54. Charitable contributions.....	\$60,000
55. Less deduction for charitable contributions (item 54 but not in excess of 5 percent of item 53).....	54,000
56. Net income (item 53 minus item 55).....	1,026,000
57. Less credit under section 26 (a) for interest on certain U. S. obligations.....	20,000
58. Adjusted net income.....	1,006,000
59. Less credit under section 26 (e) for income subject to excess profits tax (item 41).....	916,000
60. Item 58 minus item 59.....	90,000
61. Dividends received.....	\$100,000
62. Less dividends received credit (85 percent of item 61 but not in excess of 85 percent of item 60).....	76,500
63. Normal tax net income.....	13,500

64. Tentative normal tax under section 108 (a) (1) (B) (\$750 plus 17 percent of \$8,500)-----	\$2,185
65. Net income (item 56)-----	1,026,000
66. Less credit under section 26 (e) for income subject to excess profits tax (item 41)-----	916,000
67. Item 65 minus item 66-----	110,000
68. Dividends received -- \$100,000	
69. Less dividends received credit (85 percent of item 68 but not in excess of 85 percent of item 67)-----	85,000
70. Corporation surtax net income-----	25,000
71. Tentative surtax under section 108 (a) (1) (B) (10 percent of item 70)-----	2,500
72. Total tentative normal tax and surtax under section 108 (a) (1) (B) (item 64 plus item 71)-----	4,685
Excess Profits Tax Under Section 710 (a) (3)	
73. Tentative excess profits tax under section 710 (a) (3) (A) (item 12)-----	\$508,600
74. Total number of days in taxable year of taxpayer-----	365
75. Number of days before July 1, 1942, in taxable year of taxpayer-----	273
76. Portion of tentative tax under section 710 (a) (3) (A) which item 75 bears to item 74 (item 73 multiplied by 273 and divided by 365)-----	376,665.21
77. Tentative excess profits tax under section 710 (a) (3) (B) (item 50)-----	\$748,105
78. Number of days after June 30, 1942, in taxable year of taxpayer-----	92
79. Portion of tentative tax under section 710 (a) (3) (B) which item 78 bears to item 74 (item 77 multiplied by 92 and divided by 365)-----	188,563.45
80. Excess profits tax under section 710 (a) (3) (item 76 plus item 79)-----	565,228.66

If the taxable year which begins in 1941 and ends after June 30, 1942, is a taxable year of less than twelve months, the excess profits net income shall be placed on an annual basis under section 711 (a) (3) (A) for the purposes of both tentative tax computations under section 710 (a) (3) and this section, or shall be determined as the actual excess profits net income for a twelve-month period under the method provided in section 711 (a) (3) (B) for the purposes of both such tentative tax computations. Regardless of the method adopted, the amounts of excess profits taxes so computed upon the basis of twelve months income shall be properly reduced under section 711 (a) (3) in order to determine the tentative taxes under section 710 (a) (3) (A) and (B), and the tentative taxes so determined shall then be properly prorated upon the basis prescribed in section 710 (a) (3) (A) and (B) and subparagraphs (1) and (2) of this section.

If the excess profits net incomes for purposes of the tentative taxes for a taxable year of less than twelve months are placed on an annual basis under section 711 (a) (3) (A), the normal tax net income used in computing excess profits net income for each tentative tax shall be the normal tax net income determined under section 108 (a) (1) (A) or section 108 (a) (1) (B), as the case may be, and the appropriate adjustments under section 711 (a) (1) and (2) shall be based upon such normal tax net income. If such tentative taxes are computed under section 711 (a) (3) (B) on the basis of an established adjusted excess profits net income for a twelve-month period, the normal tax net income used in computing excess profits net income for each tentative tax shall be the normal tax net income determined under section 108 (a) (1) (A) or section 108 (a) (1) (B), as the case may be, for the appropriate twelve-month period described in section 711 (a) (3) (B), and the proper adjustments under section 711 (a) (1) and (2) shall be made with respect to such normal tax net income. If the tentative excess profits tax is an amount, under section 710 (a) (1) (B), which when added to the normal tax and surtax imposed for the taxable year under chapter 1 equals 80 percent of the corporation surtax net income determined without regard to the credit provided in section 26 (e) (relating to income subject to excess profits tax), the normal tax and surtax shall be the tentative normal tax and surtax ascertained under section 108 (a) (1) (B). The corporation surtax net income shall be the corporation surtax net income computed under section 108 (a) (1) (B) (without regard to the credit under section 26 (e) relating to income subject to excess profits tax), but upon the basis, annual basis or basis of an established twelve-month period, which is used in computing the excess profits tax. The amount determined by multiplying such corporation surtax net income by 80 percent shall be properly reduced pursuant to section 711 (a) (3). The difference between such amount so reduced and the sum of the normal tax and surtax shall be the tentative excess profits tax computed under section 710 (a) (1) (B). For the computation of the excess profits tax in the case of a taxable year of less than twelve months, see section 711 (a) (3).

(c) *Taxable years beginning after December 31, 1941.* With respect to taxable years beginning after December 31, 1941, the excess profits tax shall be whichever of the following is the lesser:

(1) An amount equal to 90 percent of the adjusted excess profits net income, or

(2) An amount which when added to the tax imposed for the taxable year under chapter 1 (not including the tax under section 102 on account of the improper accumulation of surplus) equals 80 percent of the corporation surtax net income, computed under section 15 or Supplement G (relating to insurance companies), as the case may be, but without regard to the credit provided in section 26 (e) relating to income subject to excess profits tax.

For the purposes of section 710 (a) (1) (B) and of subparagraph (2) of this

section, the tax imposed for the taxable year under chapter 1 is the sum of the normal tax and surtax for such year prior to the credit under section 131 for taxes paid to a foreign country or possession of the United States. The corporation surtax net income for such purposes shall be computed by disregarding the credit under section 26 (e) (relating to income subject to excess profits tax) otherwise provided in section 15 (a) or Supplement G as a reduction against net income in determining corporation surtax net income and in determining the amount of net income upon which is computed the 85 percent limitation upon the credit for dividends received for both computations. In all other respects, corporation surtax net income shall be computed as provided in section 15 (a) or Supplement G as the case may be.

The application of section 710 (a) (1) and of this section may be shown by the following example:

Assume that corporation A, which makes its return on the calendar year basis, is a public utility corporation within the definition in section 26 (h) (2) (A). Its net income for 1942 is \$411,000 and includes \$100,000 of dividends upon the common stock of a domestic manufacturing company, \$10,000 of dividends upon the preferred stock (as defined in section 26 (h) (2) (B)) of a public utility corporation which it owns, and \$1,000 of interest on certain United States Government obligations which is exempt from the normal tax. It has paid a dividend of \$5,000 on its preferred stock (as defined in section 26 (h) (2) (B)). Its excess profits net income is \$500,000, its excess profits credit is \$145,000 and it has no unused excess profits credit adjustment. Its excess profits tax is \$254,955, computed as follows:

Excess Profits Tax	
1. Excess profits net income-----	\$500,000
2. Specific exemption-----	\$5,000
3. Excess profits credit-----	145,000
4. Total of item 2 and item 3-----	150,000
5. Adjusted excess profits net income-----	350,000
6. Excess profits tax (90 percent of item 5)-----	315,000
7. Net income (computed without regard to credit provided in section 26 (e) relating to income subject to excess profits tax)-----	411,000
8. (a) Total dividends received-----	\$110,000
(b) Less dividends received on preferred stock of public utility corporation-----	10,000
(c) Difference-----	100,000
9. Less:	
(a) Dividends received credit (85 percent of item (c) but not in excess of 85 percent of item 7)-----	85,000
(b) Dividends paid on certain preferred stock-----	5,000
(c) Difference-----	90,000
10. Corporation surtax net income (computed without regard to the credit provided in section 26 (e)) (item 7 minus item 9)-----	321,000
11. 80 percent of item 10-----	256,800
12. Income tax under chapter 1 (other than section 102) for the taxable year (item 31)-----	1,845
13. Excess of item 11 over item 12-----	254,955

14. Excess profits tax (item 6 or item 13, whichever is lesser)-----	\$254,955	
Normal Tax		
15. Net income-----	411,000	
16. Less:		
Credit under section 26 (a) for interest on certain U. S. obligations-----	1,000	
17. Adjusted net income-----	410,000	
18. Less income subject to excess profits tax (credit under section 26 (e)) (item 5)-----	350,000	
19. Item 17 minus item 18-----	60,000	
20. Total dividends received-----	\$110,000	
21. Dividends received credit (85 percent of item 20 but not in excess of 85 percent of item 19)-----	51,000	
22. Normal tax net income-----	9,000	
23. Normal tax (\$750 plus 17 percent of \$4,000)-----	1,430	
Surtax		
24. Net income-----	411,000	
25. Less income subject to excess profits tax (credit under section 26 (e)) (item 5)-----	350,000	
26. Item 24 minus item 25-----	61,000	
27. (a) Total dividends received-----	\$110,000	
(b) Less dividends received on preferred stock of public utility corporation-----	10,000	
(c) Difference-----	100,000	
28. Less:		
(a) Dividends received credit (85 percent of item 27 (c) but not in excess of 85 percent of item 26)-----	51,850	
(b) Dividends paid on certain preferred stock-----	5,000	56,850
29. Corporation surtax net income-----	4,150	
30. Surtax (10 percent of item 29)-----	415	
31. Total normal tax and surtax (item 23 plus item 30)-----	1,845	

If, in a taxable year beginning after December 31, 1941, a mutual insurance company, other than life or marine, receives a gross amount from interest, dividends, rents, and premiums (including deposits and assessments) in excess of \$75,000 but less than \$125,000, the tax imposed under section 710 is an amount which bears the same proportion to the amount of tax otherwise determined under such section, computed without regard to section 710 (a) (4) and the provisions of this sentence, as the excess over \$75,000 of such gross amount received bears to \$50,000. For example, assume that a mutual insurance company (other than a life or marine insurance company) receives a gross amount from interest, dividends, rents, and premiums of \$115,000, and that its excess profits tax computed under section 710 (a) (1) is \$18,000. Under section 710 (a) (4), the excess profits tax imposed under section 710 is \$14,400 $\left(\frac{40,000}{50,000} \times \$18,000\right)$.

§ 30.710-5 *Deferment of payment of tax in case of base period or invested capital abnormality.* If a taxpayer claims the benefits of section 722 (relating to general excess profits tax relief through a constructive average base

period net income) for a taxable year beginning after December 31, 1941, it must make its return and compute and pay its tax without the benefits of such section, and not later than six months after the date prescribed by law for the filing of its return make application for relief under such section. (See section 722 (d).) However, if the adjusted excess profits net income so computed on its return (without the benefits of section 722) for such year exceeds 50 percent of the taxpayer's normal tax net income for such year, computed without the credit provided in section 26 (e) for income subject to excess profits tax, and if the taxpayer on its return claims to be entitled to the benefits of section 722, the amount of tax payable at the time prescribed for payment may be reduced by an amount equal to 33 percent of the reduction in tax so claimed. (See section 710 (a) (5).) In computing the normal tax net income for purposes of the 50 percent determination, the credit for dividends received under section 26 (b) shall be limited to 85 percent of adjusted net income unreduced by the credit under section 26 (e) for income subject to excess profits tax.

The amount of reduction in tax claimed under section 722 shall be the difference between the amount of tax computed under section 710 (a) (1) without the benefit of section 722 (prior to the credit under section 729 for taxes paid to a foreign country or to a possession of the United States, to the credit under section 783 for debt retirement, and to the adjustment under section 734 on account of an inconsistent position) and the amount of tax so computed using instead of the actual excess profits credit the excess profits credit based upon the constructive average base period net income claimed by the taxpayer. In any case in which the excess profits tax computed with the use of the constructive average base period net income is determined under section 710 (a) (1) (B) as an amount which when added to the normal tax and surtax imposed under chapter 1 equals 80 percent of the corporation surtax net income (computed without regard to the credit under section 26 (e) for income subject to excess profits tax), the credit provided in section 26 (e) for income subject to excess profits tax used in determining normal tax net income and corporation surtax net income for the purposes of computing such normal tax and surtax shall be computed by using the excess profits credit based upon the constructive average base period net income in lieu of the actual excess profits credit.

A taxpayer which claims to be entitled to a tax deferment under the provisions of section 710 (a) (5) and of this section must, at the time of filing its excess profits tax return on Form 1121, attach thereto an application for relief under section 722 on Form 991 (revised January, 1943). The application must set forth under oath each ground under section 722 upon which the application for relief is based and facts sufficient to apprise the Commissioner of the exact basis thereof and to establish eligibility for relief, as well as data and information in sufficient detail to establish the

amount of constructive average base period net income claimed, the amount of tax reduction claimed by the use of section 722, and the amount of tax deferment claimed on the return. In any case in which an application for relief on Form 991 (revised January, 1943) is not so attached to the excess profits tax return, the taxpayer shall not be deemed to have claimed on its return the benefits of section 722. In such case the amount of tax deferment claimed under section 710 (a) (5) and this section shall be added to the amount of tax otherwise shown by the taxpayer to be payable. For the purposes of section 271 (made applicable to subchapter E of chapter 2 by section 729) relating to the definition of deficiency, the amount of tax shown by the taxpayer to be payable so increased shall be considered the amount of tax shown on the return.

For the purposes of section 271, in case a taxpayer has claimed a tax reduction under section 710 (a) (5) and has attached Form 991 (revised January, 1943) to its excess profits tax return as provided in this section, the tax so reduced shall be the tax shown on the return.

If a constructive average base period net income has been finally determined and has been used in computation of the excess profits tax for a prior excess profits tax taxable year under section 722 and under regulations prescribed under such section, such constructive average base period net income may be applicable in the computation of the excess profits tax for the current excess profits tax taxable year. In such case, the excess profits tax for such current year shall be computed with the use of such constructive average base period net income, and the provisions of section 710 (a) (5) shall be inapplicable with respect to such year.

The application of section 710 (a) (5) may be illustrated by the following example:

Assume that corporation B, which makes its return on the calendar year basis, has for 1942 a net income of \$1,010,000, which includes \$300,000 of dividends on the common stock of domestic manufacturing corporations, \$10,000 of interest on certain United States Government obligations which is exempt from the normal tax, and \$200,000 of long-term capital losses which are offset against an equal amount of short-term capital gains. Its adjusted net income is \$1,000,000, and it has an excess profits credit of \$95,000, and no unused excess profits credit adjustment. It has filed, with its excess profits tax return for 1942, an application for relief under section 722 in which it claims a constructive average base period net income of \$600,000. Its excess profits tax return for 1942, computed without regard to section 722, shows an amount of tax deferred under section 710 (a) (5) of \$99,584.10, and an excess profits tax due of \$494,685.90, computed as follows:

Excess Profits Tax

1. Normal tax net income (computed without allowance of credit under section 26 (e) for income subject to excess profits tax and without allowance of dividends received credit) (item 22)-----	\$1,000,000
2. Plus long-term capital loss adjustment-----	200,000
3. Item 1 plus item 2-----	1,200,000

4. Less dividend received credit adjustment (100 percent of item 25)-----	\$300,000
5. Excess profits net income-----	900,000
6. Less Specific exemption \$5,000-----	
7. Excess profits credit-- 95,000-----	
8. Total of item 6 and item 7-----	100,000
9. Adjusted excess profits net income (item 5 minus item 8)-----	800,000
10. Excess profits tax (90 percent of item 9)-----	720,000
11. Net income (computed without regard to credit provided in section 26 (e) relating to income subject to excess profits tax) (item 21)-----	1,010,000
12. Dividends received-- \$300,000-----	
13. Less dividends received credit (85 percent of item 12, but not in excess of 85 percent of item 11)-----	255,000
14. Corporation surtax net income (computed without regard to the credit provided in section 26 (e)) (item 11 minus item 13)-----	755,000
15. 80 percent of item 14-----	604,000
16. Income tax under chapter 1 (other than section 102) for the taxable year (item 36)-----	9,730
17. Excess of item 15 over item 16-----	594,270
18. Excess profits tax (item 10 or item 17, whichever is lesser)-----	594,270
19. Less tax deferred under section 710 (a) (5) (item 56)-----	99,584.10
20. Excess profits tax payable (item 18 minus item 19)-----	494,685.90
<i>Normal Tax</i>	
21. Net income-----	1,010,000
22. Adjusted net income (item 21 minus \$10,000 interest on certain U. S. obligations)-----	1,000,000
23. Less income subject to excess profits tax (credit under section 26 (e)) (item 9)-----	800,000
24. Item 22 minus item 23-----	200,000
25. Dividends received-- \$300,000-----	
26. Less dividends received credit (85 percent of item 25 but not in excess of 85 percent of item 24)-----	170,000
27. Normal tax net income-----	30,000
28. Normal tax (\$4,250 plus 31 percent of \$5,000)-----	5,800
<i>Surtax</i>	
29. Net income (item 21)-----	1,010,000
30. Less income subject to excess profits tax (credit under section 26 (e)) (item 9)-----	800,000
31. Item 29 minus item 30-----	210,000
32. Dividends received-- \$300,000-----	
33. Less dividends received credit (85 percent of item 32 but not in excess of 85 percent of item 31)-----	178,500
34. Corporation surtax net income-----	31,500
35. Surtax (\$2,500 plus 22 percent of \$6,500)-----	3,930

36. Total normal tax and surtax (item 28 plus item 35)-----	\$9,730
<i>Percentage which adjusted excess profits net income bears to normal tax net income computed without credit under section 26 (e) for income subject to excess profits tax</i>	
37. Adjusted excess profits net income computed without regard to section 722 (item 9)-----	800,000
38. Adjusted net income (item 22)-----	1,000,000
39. Dividends received-- \$300,000-----	
40. Dividends received credit (85 percent of item 39 but not in excess of 85 percent of item 38)-----	255,000
41. Normal tax net income (computed without regard to the credit for income subject to excess profits tax under section 26 (e))-----	745,000
42. Percentage which item 37 bears to item 41-----	107%
<i>Tax Deferred Under Section 710 (a) (5)</i>	
<i>Excess Profits Tax Under Section 722</i>	
43. Excess profits net income (item 5)-----	\$900,000
44. Less Specific exemption-----	\$5,000
45. Excess profits credit based on constructive excess profits net income under section 722 (95 percent of \$600,000)-----	570,000
46. Item 44 plus item 45-----	575,000
47. Adjusted excess profits net income computed under section 722 (item 43 minus item 46)-----	325,000
48. Excess profits tax under section 722 (90 percent of item 47)-----	292,500
49. Corporation surtax net income (computed without regard to the credit provided in section 26 (e)) (item 14)-----	755,000
50. 80 percent of item 49-----	604,000
51. Income tax under chapter 1 (other than section 102) for the taxable year, computed with the excess profits tax determined under section 722 (item 72)-----	169,600
52. Excess of item 50 over item 51-----	434,400
53. Excess profits tax computed without the benefit of section 722 (item 17)-----	594,270
54. Excess profits tax computed under section 722 (item 48 or item 52, whichever is lesser)-----	292,500
55. Amount of tax reduction claimed under section 722 (item 53 minus item 54)-----	301,770
56. Amount of tax deferred under section 710 (a) (5) (33 percent of item 55)-----	99,584.10
<i>Normal Tax</i>	
57. Net income (item 21)-----	1,010,000
58. Adjusted net income (item 22)-----	1,000,000

59. Less income subject under section 722 to excess profits tax (credit under section 26 (e)) (item 47)-----	\$325,000
60. Item 58 minus item 59-----	675,000
61. Dividends received-- \$300,000-----	
62. Less dividends received credit (85 percent of item 61 but not in excess of 85 percent of item 60)-----	255,000
63. Normal tax net income-----	420,000
64. Normal tax (24 percent of item 63)-----	100,800
<i>Surtax</i>	
65. Net income (item 21)-----	1,010,000
66. Less income subject under section 722 to excess profits tax (credit under section 26 (e)) (item 47)-----	325,000
67. Item 65 minus item 66-----	685,000
68. Dividends received-- \$300,000-----	
69. Less dividends received credit (85 percent of item 68 but not in excess of 85 percent of item 67)-----	255,000
70. Corporation surtax net income (item 67 minus item 69)-----	430,000
71. Surtax (16 percent of item 70)-----	68,800
72. Total normal tax and surtax (item 64 plus item 71)-----	169,600

PAR. 4. Section 30.726-1 (b) is amended by inserting at the end the following:

With respect to a taxable year beginning after December 31, 1941, the tentative tax under section 726 (b) (1), as is the case with respect to the tax computed under section 710, shall be the lesser of:

(1) An amount equal to 90 percent of the adjusted excess profits net income (section 710 (a) (1) (A)), or

(2) An amount which when added to the sum of the normal tax and surtax for the taxable year equals 80 percent of the corporation surtax net income computed under section 15 (a) but without regard to the credit under section 26 (e) for income subject to excess profits tax (section 710 (a) (1) (B)).

If the tentative tax is computed under section 710 (a) (1) (B) and subparagraph (2) of this section, the normal tax and surtax for such purposes shall be the actual normal tax and surtax computed under chapter 1 and shall be determined by using as the credit under section 26 (e), in computing normal tax net income and corporation surtax net income, the amount of which the tax computed under section 726 (b) pursuant to the provisions of section 710 (a) (1) (A) is 90 percent. The corporation surtax net income for the purposes of section 710 (a) (1) (B) and subparagraph (2) of this paragraph, computed without regard to the credit under section 26 (e) for income subject to excess profits tax, shall be increased by the amount of any payments made, or to be made, to the United States Maritime Commission with respect to contracts or subcontracts subject to the provisions of section 505 (b). For the computation of tax under section 710 (a) (1) (B), see § 30.710-4 (c). For the computation of excess profits tax

for years beginning in 1941 and ending after June 30, 1942, see section 710 (a) (3) and § 30.710-4 (b).

If the excess profits tax is computed for a taxable year of less than twelve months, the excess profits net income for the purposes of the excess profits tax computed under section 726 (b) shall be placed on an annual basis under section 711 (a) (3) (A) if the excess profits net income is so placed for the purposes of the tax computed under section 710 (a), or shall be determined upon the basis of an established twelve-month period if the excess profits net income for purposes of the tax under section 710 (a) is so established.

The application of this paragraph may be illustrated by the following example:

For the calendar year 1942, corporation S has a normal tax net income, and corporation surtax net income of \$300,000, an excess profits net income of \$330,000, and an excess profits credit of \$75,000. It has paid to the United States Maritime Commission with respect to contracts completed in 1942 and subject to section 505 (b) of the Merchant Marine Act of 1936, as amended, \$40,000. Its excess profits tax is \$210,222.23, computed as follows:

Excess Profits Tax Under Section 710

1. Excess profits net income	\$330,000
2. Less Specific exemption	5,000
3. Excess profits credit	75,000
4. Item 2 plus item 3	80,000
5. Adjusted excess profits net income (item 1 minus item 4)	250,000
6. 90 percent of item 5	225,000
7. Corporation surtax net income computed without regard to credit under section 26 (e) relating to income subject to excess profits tax	300,000
8. 80 percent of item 7	240,000
9. Total normal tax and surtax (item 15)	20,000
10. Item 8 minus item 9	220,000
11. Excess profits tax (item 6 or item 10 whichever is lesser)	220,000

Normal Tax and Surtax

12. Normal tax net income and corporation surtax net income computed without regard to credit under section 26 (e)	300,000
13. Less credit under section 26 (e) (amount of which item 6 is 90 percent, i. e., item 5)	250,000
14. Normal tax net income and corporation surtax net income	50,000
15. Total normal tax and surtax (40 percent of item 14)	20,000

Excess Profits Tax Under Section 726 (b)

16. Excess profits net income including payment to Maritime Commission	\$370,000
17. Less Specific exemption	\$5,000
18. Excess profits credit	75,000
19. Item 17 plus item 18	80,000
20. Adjusted excess profits net income	290,000

21. Tentative excess profits tax under section 726 (b) (1) and section 710 (a) (1) (A) (90 percent of item 20)	\$261,000
22. Less payments made to Maritime Commission	40,000
23. Excess profits tax under section 726 (b) and section 710 (a) (1) (A)	221,000
24. Corporation surtax net income including payment to Maritime Commission	340,000
25. 80 percent of item 22	272,000
26. Total normal tax and surtax (item 35)	21,777.77
27. Tentative excess profits tax under section 726 (b) (1) and section 710 (a) (1) (B) (item 25 minus item 26)	250,222.23
28. Less payments made to Maritime Commission	40,000
29. Excess profits tax under section 726 (b) and section 710 (a) (1) (B)	210,222.23
30. Excess profits tax under section 726 (b) (item 29 or item 23 whichever is the lesser)	210,222.23
31. Excess profits tax under section 726 (item 11 or item 30 whichever is the lesser)	210,222.23

Normal Tax and Surtax for Item 26

32. Normal tax net income and corporation surtax net income (item 12)	300,000
33. Less credit under section 26 (e) (amount of which \$221,000, item 23, is 90 percent)	245,555.56
34. Normal tax net income and corporation surtax net income	54,444.44
35. Normal tax and surtax (40 percent of item 34)	21,777.77

PAR. 5. There is inserted immediately preceding § 30.731-1 the following:

SEC. 226. EXEMPTION FROM TAX OF MINING OF CERTAIN STRATEGIC MINERALS. (Revenue Act of 1942, Title II.)

(a) *Exemption.* Subchapter E of Chapter 2 is amended by inserting after section 730 the following new section:

"SEC. 731. CORPORATIONS ENGAGED IN MINING OF STRATEGIC MINERALS.

"In the case of any domestic corporation engaged in the mining of antimony, chromite, manganese, nickel, platinum, quicksilver, sheet mica, tantalum, tin, tungsten, or vanadium, the portion of the adjusted excess profits net income attributable to such mining in the United States shall be exempt from the tax imposed by this subchapter. The tax on the remaining portion of such adjusted excess profits net income shall be an amount which bears the same ratio to the tax computed without regard to this section as such remaining portion bears to the entire adjusted excess profits net income."

(b) *Taxable years to which amendment applicable.* The amendment made by this section shall be applicable to taxable years beginning after December 31, 1940.

PAR. 5½. Section 30.731-1, as amended by Treasury Decision 5092, approved October 21, 1941, is further amended as follows:

A. By changing the heading and paragraph (a) to read as follows:

§ 30.731-1 *Corporations which mine strategic minerals.* (a) In case a domes-

tic corporation is engaged during a taxable year beginning after December 31, 1939, in mining tungsten, quicksilver, manganese, platinum, antimony, chromite, or tin, or during a taxable year beginning after December 31, 1940, in mining tungsten, quicksilver, manganese, platinum, antimony, chromite, tin, nickel, sheet mica, tantalum, or vanadium (all of which minerals are hereinafter referred to as strategic minerals), within the United States, the portion of its adjusted excess profits net income attributable to such mining is exempt from excess profits tax. The excess profits tax on the remaining portion of such adjusted excess profits net income is an amount which bears the same ratio to the excess profits tax computed without regard to section 731 as such remaining portion bears to the entire adjusted excess profits net income. The excess profits tax for a taxable year beginning before January 1, 1942, computed without regard to section 731 shall be an amount determined under the provisions of section 710 applicable to such year. Such excess profits tax for a taxable year beginning after December 31, 1941, shall be the lesser of

(1) An amount equal to 90 percent of the adjusted excess profits net income (section 710 (a) (1) (A)), or

(2) An amount which when added to the sum of the normal tax and surtax for the taxable year equals 80 percent of the corporation surtax net income computed under section 15 (a) but without regard to the credit under section 26 (e) for income subject to excess profits tax (section 710 (a) (1) (B)). If the excess profits tax for a taxable year beginning after December 31, 1941, computed without regard to section 731 is determined under section 710 (a) (1) (B) and subdivision (2) of this paragraph, the normal tax and surtax for such purposes shall be determined by using as the credit under section 26 (e) in computing normal tax net income and corporation surtax net income the amount of which the tax computed pursuant to section 710 (a) (1) (A) and under section 731 upon the adjusted excess profits net income other than from mining strategic minerals is 90 percent. For the computation of the excess profits tax for a taxable year beginning in 1941 and ending after June 30, 1942, see § 30.710-4 (b).

B. By changing the second sentence of paragraph (b) to read as follows:

For any taxable year, the portion of the excess profits net income attributable to such mining is the gross income derived from strategic minerals and arising out of operations which give rise to "gross income from the property", as defined in § 19.23 (m)-1 (f) of Regulations 103, less the sum of (1) allowable deductions which are directly attributable to such mining for such year, (2) any adjustments made under the provisions of section 711 applicable to such year involving items directly attributable to such mining, and (3) an allocable portion of any deductions partly attributable to such mining and of any adjustments under the provisions of section 711 applicable to such year involving items partly attributable to such mining.

C. By changing that portion of paragraph (c) immediately after subparagraph (3) and immediately preceding the example to read as follows:

The following examples illustrate the computation of the tax in the case of a corporation entitled to the benefits of section 731:

D. By changing the first and second sentences of the example under paragraph (c) to read as follows:

The M Corporation, a domestic corporation which makes its return on a calendar year basis, mines both gold and platinum (a by-product of gold) and reduces the ores containing such metals. For 1941, the corporation has an excess profits credit of \$40,000.

E. By adding at the end of paragraph (c) the following new example:

Example. For 1942 the excess profits net income of the M Corporation described in the preceding example attributable to platinum mining is \$40,000; that attributable to other activities is \$180,000. The normal tax net income and corporation surtax net income computed without regard to the credit under section 26 (e) for income subject to excess profits tax is \$200,000. The excess profits tax is \$112,314.05, computed as follows:

1. Total excess profits net income	\$220,000
2. Less Specific exemption	5,000
3. Excess profits credit	40,000
4. Item 2 plus item 3	45,000
5. Adjusted excess profits net income	175,000
6. Less portion attributable to platinum mining (40,000 of 220,000)	81,818.18
7. Remaining portion of adjusted excess profits net income	143,181.82
8. Excess profits tax on adjusted excess profits net income computed without regard to section 731 (90 percent of item 5)	157,500
9. Excess profits tax pursuant to section 710 (a) (1) (A) under section 731 on item 7, i. e., portion of item 8 which bears the same ratio to \$157,500 (item 8) as portion of adjusted excess profits net income not attributable to platinum mining (item 7) bears to total adjusted excess profits net income (item 5) (143,181.82 of 175,000) (viz. 90 percent of item 7)	128,863.64
10. Corporation surtax net income computed without credit under section 26 (e) for income subject to excess profits tax	200,000
11. 80 percent of item 10	160,000
12. Total normal tax and surtax (item 19)	22,727.27
13. Item 11 minus item 12	137,272.73
14. Excess profits tax pursuant to section 710 (a) (1) (B) under section 731 on item 7,	

i. e., portion of item 13 which bears the same ratio to \$137,272.73 (item 13) as portion of adjusted excess profits net income not attributable to platinum mining (item 7) bears to total adjusted excess profits net income (item 5)

(143,181.82 of 175,000) of \$137,272.73 -- \$112,314.05

15. Excess profits tax under section 731 on portion of adjusted excess profits net income not attributable to platinum mining (item 7) (item 9 or item 14, whichever is the lesser) ----- 112,314.05

Normal Tax and Surtax

16. Normal tax net income and corporation surtax net income computed without regard to credit under section 26 (e) for income subject to excess profits tax ----- 200,000
17. Less credit under section 26 (e) for income subject to excess profits tax (an amount of which the excess profits tax under section 731 computed without regard to section 710 (a) (1) (B) is 90 percent, i. e., an amount of which \$128,863.64 (item 9) is 90 percent (viz. item 7) ----- 143,181.82

18. Normal tax net income and corporation surtax net income ----- 56,818.18

19. Total normal tax and surtax (40 percent of item 18) ----- 22,727.27

PAR. 6. There is inserted immediately preceding § 30.750-1 the following:

SEC. 229. TERMINATION OF SUPPLEMENT B. (Revenue Act of 1942, Title II.)

(b) Sections 750 and 751 (relating to determination of property paid in, etc., in certain cases) shall not apply with respect to any taxable year beginning after December 31, 1942.

PAR. 7. Section 30.750-1 is amended to read as follows:

§ 30.750-1 *Purpose and scope of Supplement B.* The term "Supplement B," when used in these regulations, means sections 750 and 751, and is applicable only to excess profits tax taxable years beginning prior to January 1, 1942. It provides rules relative to the extent to which equity invested capital and borrowed capital are affected by the acquisition of property in an exchange meeting the requirements of section 750 (a) (see section 751). Such rules are applicable in the case of exchanges occurring prior to the beginning of the acquiring corporation's first excess profits tax taxable year beginning prior to January 1, 1942, as well as exchanges occurring after such year but in an excess profits tax taxable year beginning prior to January 1, 1942. The purpose of section 751 is in general to provide a rule for the determination of the extent to which property is paid in for stock in cases involving an assumption of liabilities and the payment of boot, and to prevent a duplication in invested capital in cases where bonds as well as stock are issued as consideration for the transfer of the properties acquired.

PAR. 8. Section 30.750-3 and § 30.750-4 are stricken out.

PAR. 9. There is inserted immediately preceding § 30.751-1 the following:

SEC. 229. TERMINATION OF SUPPLEMENT B. (Revenue Act of 1942, Title II.)

(b) Sections 750 and 751 (relating to determination of property paid in, etc., in certain cases) shall not apply with respect to any taxable year beginning after December 31, 1941.

PAR. 10. There is added immediately after § 30.751-2 the following new section:

§ 30.751-3 *Taxable years to which applicable.* Section 751 and §§ 30.751-1 and 30.751-2 shall be applicable only with respect to taxable years beginning before January 1, 1942.

PAR. 11. There is inserted immediately preceding § 30.752-1 the following:

SEC. 229. TERMINATION OF SUPPLEMENT B. (Revenue Act of 1942, Title II.)

(a) *Retroactive repeal of section 752.*—
(1) Section 752 (relating to highest bracket amount) is repealed as of the date of enactment of the Second Revenue Act of 1940.

PAR. 12. Sections 30.752-1, 30.752-2, 30.752-3, 30.752-4, 30.752-5, 30.752-6, 30.752-7, and 30.752-8 are stricken out.

(Sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., 62) as made applicable by section 729 (a) of the Internal Revenue Code (54 Stat. 789; 26 U.S.C., 729 (a)) and secs. 202, 203, 204, 205 (a), 205 (g) (1), 222 (b), 226, and 229 of the Revenue Act of 1942 (Pub. Law 753, 77th Cong.).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: March 18, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-4309; Filed, March 20, 1943; 10:05 a. m.]

Subchapter B—Estate and Gift Taxes (T. D. 5248)

PART 80—ESTATE TAX UNDER THE REVENUE ACTS OF 1926 AND 1932, AS AMENDED

PART 81—REGULATIONS RELATING TO ESTATE TAX¹

Article 16 of Regulations 80 (1937 ed.) and § 81.16 of Regulations 105 amended.

Article 16 (as amended by Treasury Decision 4966, approved March 5, 1940) of Regulations 80 (1937 edition) [§ 80.16, Title 26, Code of Federal Regulations] and § 81.16 of Regulations 105 [§ 81.16 of such Title 26] are amended by striking out the last paragraph of each.

(Secs. 302 (c) and 1101 of the Revenue Act of 1926 (44 Stat. 70, 111; 26 U.S.C., 1934 ed., 411 (c), 1691), in sec. 403 of the Revenue Act of 1932 (47 Stat. 245, 26 U.S.C., 1934 ed., 537), and in secs. 811 (c), 937, and 3791 of the Internal Revenue Code (53 Stat., Part 1, 121, 143, 467, 26 U.S.C. 811 (c), 937, 3791).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: March 19, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-4310; Filed, March 20, 1943; 10:05 a. m.]

¹ F. R. 1429.

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1871]

PART 321—MINIMUM PRICE SCHEDULE,
DISTRICT No. 1

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 1 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1, and for a change in shipping point for a certain mine in District No. 1.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1 and a change in shipping point for the coals produced by Charles H. Burk at the Burk and Williams Mine, Mine Index No. 789; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That the proposal contained in the original petition, with respect to the Burk and Williams Mine, Mine Index No. 789, be, and the same hereby is, denied, for the reason that it now appears that the successor operator of this mine desires the shipping point to remain unchanged.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: March 4, 1943.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group Nos.]

Mine No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group Nos.	1	2	3	4	5
1231	Connor-Haines Big Vein Coal Co. (Henry Connor)	Jackson.....	43	Big Vein	Lonaconing, Md	W. Md.	67	(t)	(t)	D	(t)	(t)
3926	Evans Coal Co. (R. D. Evans)	Evans Coal Co. #2	4	B.....	Limestone, Pa.	NYC.....	30	G	G	G	H	H
3869	Lyda, W. J. (Lyda Coal Co.)	Lyda #3.....	22	Pgh.....	Blacklick, Pa.	PRR.....	82			E		
3870	Kniseley Coal Company (Harvey Kniseley)	Kniseley #3.....	5	E.....	Knixdale, Pa.	P&S.....	119			G		
3844	Penn Eleven Coal Company (Feldman C. Hamilton)	Penn Eleven.....	14	B.....	Osceola Mills, Pa.	PRR.....	45			E		
3774	Preslovich, Andy	Haupt Stripping	9	D.....	Gillintown, Pa.	NYC.....	44			D		
3931	Prushnok, J. P. (The Arcadia Co.)	Prushnok Strip-ping #1.	12	C.....	Hooverhurst, Pa	NYC.....	44	G	G	G	G	G
3932	Prushnok, J. P. (The Arcadia Co.)	Prushnok strip-ping #2.	12	D.....	Hooverhurst, Pa	NYC.....	44	G	G	G	G	G

†Indicated no classification effective for these size groups.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened, top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under slack	3/4" and under slack
						1		3	4	5
Albright, Charles Levi	3773	Albright.....	43	Allegheny.....	B. V.....	(t)	(t)	250	(t)	(t)
Evans Coal Co. (R. D. Evans)	3929	Evans Coal Co. #2	4	Clarion.....	B.....	260	235	235	230	210
Forcey, Maxwell, Jr.	3829	Forcey.....	8	Clearfield.....	B.....	(t)	(t)	245	(t)	(t)
Jano, Steve	3921	Steve Jano.....	37	Somerset.....	D.....	(t)	(t)	260	(t)	(t)
Kniseley Coal Company (Harvey Kniseley)	3870	Kniseley #3.....	5	Jefferson.....	E.....	(t)	(t)	235	(t)	(t)
Musser, D. Jay	3903	Musser.....	41	Somerset.....	Pittsburgh..	(t)	(t)	235	(t)	(t)
Nightingale, Thomas (Nightingale Coal Co.)	3930	Nightingale #2.....	40	Somerset.....	D.....	(t)	(t)	255	(t)	(t)
Penn Eleven Coal Company (Feldman C. Hamilton)	3844	Penn Eleven.....	14	Clearfield.....	B.....	(t)	(t)	245	(t)	(t)
Prushnok, J. P. (The Arcadia Co.)	3931	Prushnok Strip-ping #1.	12	Jefferson.....	C.....	260	235	235	225	215
Prushnok, J. P. (The Arcadia Co.)	3932	Prushnok Strip-ping #2.	12	Jefferson.....	D.....	260	235	235	225	215

†Indicates no classification effective for these size groups.

[F. R. Doc. 43-4238; Filed, March 19, 1943; 10:09 a. m.]

[Docket No. A-1881]

PART 322—MINIMUM PRICE SCHEDULE,
DISTRICT No. 2

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 2 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 2.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 2; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered. That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: March 6, 1943.

[SEAL] DAN H. WHEELER,
Director.

the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 Alphabetical list of code members—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Seam	Sub- dis- trict No.	Shipping point.	Railroad	Freight origin group No.	Size group Nos.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																								
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2493	Blaho Coal Company (Thomas Blaho, Sr.)	Blaho (s)	Pittsburgh	3	Outcrop, Pa.	B&O	80	F	F	E	E	E	E	E	E	E	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H

(F) Indicates no classification effective for these size groups.

NOTE.—In § 322.9 (C) in Minimum Price Schedule, add the mine index numbers in groups shown.

Group No. 1: 2267, 2690 Group No. 2: 2388; Group No. 7: 2493;

Change in name.

FOR TRUCK SHIPMENTS

§ 322.23 General prices—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Base sizes													
				Lump over 4'	Lump 4'	Lump 3'	Lump 2'	Long 2' x 4"	Long 2' x 4"	Long 2' x 4"	Long 2' x 4"	Long 2' x 4"	Long 2' x 4"	Long 2' x 4"	Long 2' x 4"	Long 2' x 4"	Long 2' x 4"
ALLEGHENY COUNTY	MacFarlane, Robert (MacFarlane Coal Co.)	Francis Farm (s)	Pittsburgh	295	285	275	255	235	225	200	240	210	200	190			
	Quatrone, Philip	Philip Irons.	Pittsburgh	320	310	300	280	260	250	230	240	205	220	195			
	Buhrick & Byers Coal Co. (John Burdick)	B & B.	Pittsburgh	310	300	290	270	250	240	220	240	205	220	195			
	Ind. Donnell F.	Nelson	Freerport	285	275	265	255	235	225	205	225	210	205	190			
FAVETTE COUNTY	Kubins, Mike	Kubins	Pittsburgh	800	790	780	765	745	730	710	730	700	720	695			
	Marracini, Alvino	Al's.	Pittsburgh	300	290	280	265	245	235	215	235	200	220	190			
WASHINGTON COUNTY	Quatrone, Ripepi & Crompton Coal Co. (Anthony J. Ripepi)	Whiskey Point	Pittsburgh	330	320	310	290	270	260	240	260	230	250	220			
	Higgins, Edward	Higgins #2	Redstone	285	275	265	250	230	220	200	220	215	200	180			
WESTMORELAND COUNTY	Kandi, Paul W.	Kendi #2	Pittsburgh	310	300	290	270	250	240	220	240	205	220	195			

[F. R. Doc. 43-4239; Filed, March 19, 1943; 10:09 a. m.]

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act:

It is ordered. That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith: § 323.6 (Alphabetical list of code members) is amended by adding thereto Supplement R-I, and § 323.8 (Special prices—(b) Railroad fuel prices) for all movements except via lakes is amended by adding thereto Supplement R-II, § 323.8 (Special prices—(c) Railroad fuel prices) for movement via all lakes—all ports is amended by adding thereto Supplement R-III and § 323.23 (General prices) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; and commencing forthwith, the shipping points and freight origin group numbers appearing in the aforesaid Supplement R for mines mentioned therein are effective in place of the shipping points and freight origin group numbers heretofore established for these mines.

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 3 for the establishment of price classifications and minimum prices for rail and truck shipments and changes in shipping points for the coals of certain mines in District No. 3.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices and changes in the freight origin group numbers and the shipping points for the coals of certain mines in District No. 3; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed

with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in primary relief herein granted may be filed

ceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.
It is further ordered, That the relief herein granted shall become final sixty

(60) days from the date of this order, unless it shall otherwise be ordered.
Dated: March 5, 1943.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 Alphabetical list of code members—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
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558	Adams & Guiliani Coal Co. (C. E. Adams) 1.	Cook	Bakerstown.	Newburg, W. Va. 1	B&O	170	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G

1 Change in name.

2 Change in shipping point.

3 Change in F. O. C.

4 Indicates no classifications effective for these size groups.

NOTE—Mine Index Nos. 391 and 393 of Kittie, Frank G., Receiver, Purity Coal Company, consolidated with Mine Index No. 125, Calder Coal Sales Co., The, and are no longer applicable.

NOTE—The above prices are applicable only via the respective Freight Origin Groups, Shipping Points and Railroads shown for the respective mines. Freight Origin Groups, Shipping Points, and Railroads previously assigned to these mines are no longer applicable.

§ 323.8 Special prices—(b) Railroad fuel prices for all movements except via lakes—Supplement R-II
Note: For railroad fuel prices add these mine index numbers to the respective

§ 322.8 Special prices—(c) Railroad fuel prices for movement via all lakes—*all ports*—Supplement R-III.
Note: For railroad fuel prices add these mine index numbers to the respective

tive groups set forth in § 323.8 (c) in Minimum Price Schedule No. 1. Group No. 1: 125, 145, 910, 1389, 1390, 1391; Group No. 3: 481, 716; Group No. 5: 455; Group No. 6: 558.

FOR TRUCK SHIPMENTS

§ 323.23 General prices—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups						
					Lump over 2", egg over 2", bottom size	Lump 2", egg 2", bottom size but over 1 1/4"	Lump 1 1/4" and under, egg 1 1/4" and under, bottom size	All nut and pea 2" and under	Run of mine, resultant over 2"	1 1/4" and 2" slack	3/4" slack
					1	2	3	4	5	6	7
Adams & Gulliani Coal Co. (C. E. Adams). ¹	558	Cook.....	Bakerstown..	Preston...	255	255	255	230	230	230	210
Bogress, H. C. (Delta Coal Co.).	1389	Colfax #3 (S).....	Pittsburgh..	Marion....	243	238	238	213	213	198	183
Calder Coal Sales Company, The. ¹	125	Calder #2.....	Pittsburgh..	Barbour...	243	238	238	213	213	198	183
Consolidation Coal Company.	1390	Consol. #35-A (S).....	Pittsburgh..	Harrison...	243	238	238	213	213	198	183
Consolidation Coal Company.	1391	Consol. #50-A (S).....	Pittsburgh..	Harrison...	243	238	238	213	213	198	183
Malone Coal Co. (M. R. Malone). ¹	481	Malone #1.....	H. V. Kitt...	Barbour...	228	223	223	198	198	183	178
Shaffer, R. S. ¹	910	Shaffer.....	Pittsburgh..	Harrison...	243	238	238	213	213	198	183

¹ Change in name only.

NOTE: Mine Index No. 391 and Mine Index No. 393 of Kittle, Frank G., Receiver Purity Coal Company, consolidated with Mine Index No. 125, Calder Coal Sales Company, The, and are no longer applicable.

[F. R. Doc. 43-4240; Filed, March 19, 1943; 10:10 a. m.]

[Docket No. A-1836]

PART 324—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 4

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 4 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 4; for changes in shipping points of certain mines; and requesting the establishment of an additional price instruction in the schedule of effective minimum prices for District No. 4 for all shipments except truck.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 4, and for changes in shipping points for the coals of certain mines in District No.

No. 57—6

4; and further requesting the establishment of an additional price instruction in the Schedule of Effective Minimum Prices for District No. 4 for All Shipments Except Truck, which would permit all coal going through any one of several preparation plants listed in said petition to be invoiced as having originated at said preparation plant irrespective of whether such coals were produced at the mine of which such preparation plant is not a part; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the matter hereinafter set forth, and that the following action is necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 324.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 324.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are herein-

after set forth and hereby made a part hereof; and, commencing forthwith, the shipping points, Freight Origin Group numbers and Railroad Fuel Price Group numbers appearing in the aforesaid Supplement R for certain mines are effective in lieu of the shipping points, Freight Origin Group numbers and Railroad Fuel Price Group numbers heretofore established for said mines.

It is further ordered, That, commencing forthwith, all references appearing in § 324.7 (*Alphabetical list of code members*) § 324.8 (*Numerical list of mines*), § 324.2 (*Seasonal discounts*), § 324.9 (*Recapitulation of price classifications*) § 324.11 (*Special prices*)—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*, and § 324.24 (*General prices in cents per net ton for shipment into all market areas*), as amended by the order issued in Docket No. A-1504 (7 F.R. 5857) for the West Point Mine, Mine Index No. 441, operated by Bozzo Coal Company (Emory Torrence) be, and the same hereby are, deleted therefrom, for the reason that said mine is now classified and priced in the aforesaid sections, as amended by the order issued in Docket No. A-1643 (7 F.R. 9116), as Mine Index No. 3043, operated by Marshall Mining Company.

No relief is granted herein as to the coals of the Kennard Mine (Mine Index No. 75) of Kennard Coal Company, or to the coals of the Walton Mine (Mine Index No. 805) of Isam Walton, for the reason that petitioner has requested in a letter dated February 8, 1943, that the request made in its original petition for changes in shipping points for the coals of Mine Index No. 75 and Mine Index No. 805 be deleted from said petition.

No relief is granted herein as to that part of the petition requesting the establishment of an additional price instruction to be added to the Schedule of Effective Minimum Prices for District No. 4 for All Shipments Except Truck, which would permit all coal going through any one of several preparation plants listed in said petition to be invoiced as having originated at said preparation plant irrespective of whether such coals were produced at the mine of which such preparation plant is a part, for the reasons set forth in the order issued this day designating the portion of Docket No. A-1836 relating to such relief as Docket No. A-1836 Part II.

Dated: March 6, 1943.

[SEAL]

DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 Alphabetical list of code members—Supplement R

[Alphabetical list of code members having railroad loading facilities, showing price classification by price group numbers]

Mine index No.	Code member	Mine name	Seam	Type	Sub-district No.	Shipping points in Ohio	Freight origin group No.	Railroad	Price group No.	Railroad fuel price group No.	
										On line	Off line
813	Boyle Brothers	Boyle Bros.	6	Deep	5	New Straitsville	22	C&O	21	103	201-203
440	Bozzo Coal Company (Emory Torrence)	Hilltop	6 and 7	Strip	4	Lisbon	171	Erie	72	108	202-204
3120	Bozzo Coal Company (Emory Torrence)	Hilltop #2	6 and 7	Strip	4	Lisbon	71	Erie	72	108	202-204
1363	Callahan Mining Company	Callahan	6	Deep	4	Lisbon	171	Erie	71	107	201-203
792	56 Coal Co. (John H. Ossman)	56 Coal Co.	6	Deep	5	Mineral	41	B&O	53	101	201-203
848	Johnson, A. B. (Hope Hollow Coal Co.)	Hope Hollow	6	Deep	5	Mineral	41	B&O	53	101	201-203
2048	Marshall Mining Company	West Point	6 and 7	Strip	1	Bellaire	171	Erie	72	108	202-204
3102	Williams, R. C. (R. C. Williams Coal Co.)	Wolfe #2	8	Strip	1	Bellaire	20	B&O	3	102	202-204
3119	Wolfe, F. H., Coal Co. (F. H. Wolfe)	Wolfe #1	7	Deep	1	Floodwood	22	C&O	24	103	201-203
1445	Youngstown Sheet & Tube Company, The	Elk Run	6	Strip	4	Negley	73	PL&W	72	115	202-204

1 Change in freight origin group number.

2 Change in shipping point changes railroad price group number.

3 Change in shipping point—No change in price group number.

NOTE.—Shipping points established in previous dockets shall no longer be applicable to the above mines granted a change in shipping point herein. Freight origin group previously assigned mines with Index Nos. 440, 1363 and 3045 are no longer applicable.

§ 324.24 General prices in cents per net ton for shipment into all market areas—Supplement T—Continued

§ 324.24 General prices in cents per net ton for shipment into all market areas—Supplement T

Code member	Mine	Type	Seam	Base sizes					
				0' lump	3'-4'-5' lump	2' lump	2' x 4' egg	1 1/2' x 4' egg	1 1/2' x 4' egg
SUBDISTRICT NO. 1—EASTERN OHIO BELMONT COUNTY				1	2	3	4	5	6
Williams, R. C. (R. C. Williams Coal Co.)		3102 Strip		8	295	270	245	240	210
SUBDISTRICT NO. 2—CAMBRIDGE WASHINGTON COUNTY									
Kapis, Mike	Waller	Deep		8	290	265	240	240	210
Oliver, Cliff	Sparling	Deep		8	290	265	240	240	210
SUBDISTRICT NO. 3—BECKHOLE JEFFERSON COUNTY									
Freshwater, Harry O.		Deep		8	305	295	280	255	240
SUBDISTRICT NO. 4—MIDDLE COLUMBIA COUNTY									
Bozzo Coal Company (Emory Torrence)	Hilltop #2	Strip	6 & 7	320	310	295	270	265	245
Holshey, James L.	Holshey	Deep		6	300	280	255	250	215
Sarcasta, William		Deep		3069	300	280	255	250	215

1 Priced and classified in a previous Docket in Subdistrict 1 instead of Subdistrict 4.

[F. R. Doc. 43-4241; Filed, March 19, 1943; 10:10 a. m.]

[Docket No. A-1873]

PART 324—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 4

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 4 for the establishment of price classifications and minimum prices for rail and truck shipments, and for a change in the shipping point for the coals of the Paskell Mine.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for certain mines located in District No. 4, and a change of the freight origin group number and the shipping point for the coals of the Paskell Mine, Mine Index No. 104, of A. W. Paskell (Twin Coal Company), located in District No. 4; and it appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 324.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 324.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are herein-after set forth and hereby made a part hereof; and commencing forthwith, the freight origin group number and the shipping point appearing in the aforesaid Supplement R for the coals of the Paskell Mine, Mine Index No. 104, of A. W. Paskell (Twin Coal Company), is effective in place of the freight origin group number and the shipping point heretofore established for this mine.

The petition proposed minimum f. o. b. mine prices for truck shipment for the coals produced at the Crow Hollow No. 3 Mine of the Jefferson Coal Company, which had been effective prior to the order issued in General Docket No. 21 on August 28, 1942, 7 F.R. 6943. This order increased the effective minimum prices 20 cents per net ton, effective

October 1, 1942, and this increase is reflected in the minimum f. o. b. mine prices established by this order for these coals.

No relief is granted herein for the coals to be produced by W. J. Eaton (Pine Hollow Coal Company) at a new stripping operation which is designated in the petition as the Gray Bros. Mine for the reason that this operation is a part of the operation designated as Mine Index No. 326 and these coals will take the price classifications and minimum prices which have been established for such coals, in the order issued in Docket No. A-1182 on January 6, 1942.

The petition proposed minimum f. o. b. mine prices for truck shipments for the coals to be produced at the North Lima No. 2 Mine of The East Fairfield Coal Company which are not in accordance with those applicable to comparable coals produced in Mahoning County in District No. 4. The prices established by this order for the North Lima No. 2 Mine of The East Fairfield Coal Company are the same as those established for comparable coals produced in Mahoning County in District No. 4.

The petition proposed a minimum f. o. b. mine price of \$1.65 per net ton

for the Size Group No. 8 coals produced by George W. Riffe at the Riffe Mine, Mine Index No. 3108, for truck shipment, which price is lower than that established for analogous coals produced in Vinton County Subdistrict No. 7 of District No. 4. Therefore, a price of \$1.85 per net ton, which is the minimum price for analogous coals produced in Vinton County, in Subdistrict No. 7, of District No. 4, has been established in this order for these coals.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: March 6, 1943.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4
NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 Alphabetical list of code members—Supplement R

[Alphabetical list of code members having railroad loading facilities, showing price classification by price group numbers]

Mine index No.	Code member	Mine name	Seam	Type	Sub-district No.	Shipping points in Ohio	Freight origin group No.	Railroad	Price group No.	Railroad fuel price group No.	
										On line	Off line
946	Baker, Ivan	Badger	6	Deep	6	Crooksville	32	NYC	42	110	201-203
8126	Brownfield, Chas. W. (Brownfield Coal Company)	Brownfield #1	6	Deep	6	Moxahala	33	NYC	42	110	201-203
1780	Dew, C. G. (Phoenix Coal Co.)	Phoenix Coal Co.	6	Deep	5	Nelsonville	22	C&O	21	108	201-203
2154	East Fairfield Coal Company, The	North Lima #2	5	Strip	4	Willowcreek	74	Y&A	72	120	202-204
2154	Jefferson Coal Co., The	Crow Hollow #3	5	Strip	1	Smithfield	14	NYC	3	111	202-204
2152	Johnson Mining Company (E. F. Smith)	Johnson #1	8	Strip	1	Blainesville (Adena)	18	W&L	3	119	202-204
1304	Kleen Coal Company	Kleen Coal Co.	6	Strip	4	Creshooton	55	W&L	68	119	202-204
104	Paskell, A. W. (Twin Coal Company)	Paskell	6	Deep	6	Rossville	134	PRR	42	*112	201-203

For better classification see § 324.9 in minimum Price Schedule for District No. 4.

1 Change in shipping point changes railroad price group number.

2 Change in freight origin group number.

NOTE: Shipping point and freight origin group number established in previous docket shall no longer be applicable to Mine Index No. 104.

FOR TRUCK SHIPMENTS

§ 324.24 General prices in cents per net ton for shipment into all market areas—
Supplement T

Code member	Mine	Mine index No.	Type	Seam	Base sizes							
					6" lump	3' x 4' x 5' lump	2' lump	2' x 4' egg,	2' x 5' egg,	1 1/2' x 4' egg,	Mine run nut and pea	2' x 0 slack
					1	2	3	4	5	6	7	8
SUBDISTRICT NO. 1— EASTERN OHIO												
BELMONT COUNTY												
Johnson Mining Company (E. F. Smith)	Johnson #1	3129	Strip		8	295	285	270	245	240	230	210
JEFFERSON COUNTY												
Jefferson Coal Co., The	Crow Hollow #3	3132	Strip		8	295	285	270	245	240	230	210
SUBDISTRICT NO. 2— CAMBRIDGE												
NORLE COUNTY												
Swank, John Cleveland	Steamtown	3118	Deep		9	290	280	265	240	240	240	210
SUBDISTRICT NO. 4— MIDDLE												
COLUMBIANA COUNTY												
Evans Coal Co. (Evans E. Evans)	Evans Coal Co.	3117	Strip		3	320	310	295	270	265	245	215
Ferris, Tony	Ferris Coal Co.	3133	Strip		7	320	310	295	270	265	245	215
MAHONING COUNTY												
East Fairfield Coal Company, The	North Lima #2	3134	Strip		5	320	310	295	270	265	255	215
STARKE COUNTY												
Metro Coal & Limestone, Inc.	Metro #5	3130	Strip	5 and 6	295	285	270	255	255	230	210	200
SUBDISTRICT NO. 6— CROOKSVILLE												
PERRY COUNTY												
Brownfield, Chas. W. (Brownfield Coal Company)	Brownfield #1	3126	Deep		6	300	290	280	255	250	215	175
SUBDISTRICT NO. 7— JACKSON												
VINTON COUNTY												
Cartright, Roy	Little Virginia	3109	Strip		2	315	305	295	270	265	215	185
Eberts, M. A.	Eberts Strip	3116	Strip		3	315	305	295	270	265	215	175
Morris, Seth	Carr Farm	3110	Deep		5	315	305	295	270	265	215	185
Riffle, George N.	Riffle	3108	Deep		315	305	295	270	265	215	195	185

[F. R. Doc. 43-4242; Filed, March 19, 1943; 10:09 a. m.]

[Docket No. A-1858]

PART 332—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 2

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 2 for changes in shipping points for the coals of certain mines in District No. 2.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting changes in shipping points for the coals of certain mines in District No. 2; and requesting an additional shipping point for the coals of the Farren Mine of Tri-County Fuel Company in District No. 2; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (Alphabetical list of code members) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: March 9, 1943.

[SEAL]

DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 Alphabetical list of code members—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Sub-district No.	Shipping point	Railroad	Freight origin group No.	Size group No.															
								2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
2447	Benal Coal Company (B. A. Wonderly)*	Onelda #4*	U. Freeport...	1	Utley, Pa.*	WA	*25	F	E	E	E	E	F	F	F	(f)	(f)	(f)	(f)	(f)	(f)	(f)	
339	Campbell, Charles E.	Maude...	Pittsburgh...	7	Onelda, Pa.	B&E		C	C	C	C	F	F	F	F	F	(f)	(f)	(f)	(f)	(f)	(f)	(f)
2568	Keefer, W. W. (Jackson Coal Company)*	Jackson (s)	Pittsburgh...	7	Trevesky, Pa.*	PRR		74	C	C	C	C	F	F	F	F	(f)	(f)	(f)	(f)	(f)	(f)	(f)
322	Tri-County Fuel Co. (G. H. Tuttle)	Farell...	Kittanning...	1	Carnegie, Pa.*	PRR		74	G	G	F	E	H	H	H	H	(f)	(f)	(f)	(f)	(f)	(f)	(f)
					Atwell Siding, Admandale, Pa.*	WA	*25	F	E	E	E	E	E	F	F	(f)	(f)	(f)	(f)	(f)	(f)	(f)	
						B&E		F	F	E	E	E	E	E	F	F	(f)	(f)	(f)	(f)	(f)	(f)	(f)

Indicates no classification effective for these size groups.

*Indicates change.

NOTE: Mine Index No. 338 previously assigned was in error and is no longer effective.

NOTE: The above prices are applicable only via the respective freight origin groups, shipping points and railroads previously assigned to these mines are no longer applicable.

NOTE: In § 322.9 (c) in minimum price schedule add these mine index numbers in the groups shown:

Group No. 2	Group No. 15
339	322
2538	2447

[F. R. Doc. 43-4243; Filed, March 19, 1943; 10:08 a. m.]

[Docket No. A-1846]

PART 338—MINIMUM PRICE SCHEDULE, DISTRICT NO. 18

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 18 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 18.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in Subdistricts 1 through 8 in District No. 18 for shipment by rail to all market areas to which such coals have not heretofore been priced; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner herein set forth; and

No petitions of intervention having been filed with the Division in the above entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 338.5 (General prices; minimum prices for shipment via rail transportation) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered. No relief is granted herein with respect to the establishment of the price classifications and minimum prices proposed for coals produced in Subdistrict 1 in District No. 18 for shipment by rail into all market areas to which such coals have not heretofore been priced, for the

The following minimum f. o. b. mine prices shall be inserted in § 338.5 in Minimum Price Schedule for District No. 18, as amended, for mines in Sub-Districts 2 through 8, for which minimum prices for rail shipments to certain market areas have heretofore been established, and shall apply for rail shipments to all market areas other than those market areas specifically enumerated for the respective sub-districts as set forth in § 338.5 in Minimum Price Schedule for District No. 18, as amended.

§ 338.5 General prices: minimum prices for shipment via rail transportation.—Supplement R.

	Size groups														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
SUBDISTRICT NO. 2—CERRILLOS															
All other market areas.....	400		390	385	365	365	340	315	230	205	185	145	340	340	
SUBDISTRICT NO. 3—LA VENTANA															
All other market areas.....	380							315	215	165		115	365	340	
SUBDISTRICT NO. 4—RIO ARriba															
All other market areas.....	465	415								175				265	
SUBDISTRICT NO. 5—WHITE OAKS															
All other market areas.....	515							465	315	215				415	

	Size groups														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
SUBDISTRICT NO. 6—CARTHAGE															
All other market areas.....		415				365		315	230			185	165		365
SUBDISTRICT NO. 7—HAGAN															
All other market areas.....		415						315	230		205	185	140		
SUBDISTRICT NO. 8—SAN JUAN															
All other market areas.....		265							165	115	65				215

[F. R. Doc. 43-4244; Filed, March 19, 1943; 10:08 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

PART 603—SELECTIVE SERVICE OFFICERS

[Amendment 140, 2d Ed.]

APPOINTMENT OF DIRECTOR FOR NEW YORK CITY

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend the regulations by adding a new section to be known as § 603.12-1 to read as follows:

§ 603.12-1 *Director of Selective Service for New York City may be appointed.* Subject to the approval of the Director of Selective Service, the Governor of New York is authorized to recommend for appointment a second official to whom he may delegate his administrative functions relating to all selective service matters within the city of New York. This second official, hereinafter referred to as the "City Director," if so recommended and appointed, shall have jurisdiction in all selective service matters within the city of New York and in connection therewith shall have all the functions, duties, powers, and responsibilities of a State Director of Selective Service. If and when the City Director is appointed, the State Director of Selective Service for New York shall be relieved from his responsibilities and his functions, duties, and powers with reference to selective service matters within the city of New York: *Provided, however,* That the City Director shall continue to be subject to such supervision of the State Director of Selective Service as the Governor of New York shall direct, but not otherwise.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

MARCH 19, 1943.

[F. R. Doc. 43-4318; Filed, March 20, 1943; 11:10 a. m.]

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment 34]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

In the column headed "Shipping Priority Rating" the shipping priority ratings assigned to the commodities listed below, at every place where said commodities appear in said section, are deleted and in the column headed "General License Group" the group designations assigned to the commodities listed below, at every place where said commodities appear in said section, are amended to read as follows:

Commodity	Department of Commerce No.	General license group
Animal and animal products, inedible:		
Animal products, inedible, n. e. s.	0699.98	C
Animals, edible:		
Cattle for breeding.....	0010.00	C
Cattle, other.....	0012.00	C
Hogs (swine).....	0013.00	C
Poultry live.....	0019.00	C
Sheep (include Karaku sheep).....	0016.00	C
Animal products, edible:		
Egg albumen.....	0088.00	C
Egg products, dried.....	0083.05	C
Egg products, frozen.....	0083.07	C
Egg products, otherwise preserved.....	0083.98	C
Eggs, in the shell.....	0082.00	C
Gelatin.....	0085.00	C
East extracts and bouillon cubes.....	0094.00	C
Animal products, edible, other (see Rennet).....	0099.00	C
Beverages:		
Fruit juices, other.....	1779.00	C
Malt extract and malt sirup.....	1701.00	C
Malt liquors, in bottles.....	1702.00	C
Malt liquors, in cans.....	1703.00	C
Malt liquors, in other containers.....	1704.00	C
Chemicals:		
Ammonium sulphate.....	8505.00	None
Calcium cyanamide.....	8509.03	None
Calcium nitrate.....	8509.05	None
Fertilizer materials, nitrogenous, n. e. s. (include ammonium chloride and ammonium nitrate).....	8509.98	None
Fertilizer mixtures, prepared, n. e. s. (state ingredients).....	8551.98	None
Fertilizers, nitrogenous organic waste materials.....	8510.00	None
Fertilizers, nitrogenous phosphatic types (include ammonium phosphate).....	8540.00	None

18 F.R. 1494, 1616, 1709, 1879, 2146, 2187, 2327, 2415, 2749, 2773, 2966, 3082, 3160.

Commodity	Department of Commerce No.	General license group
Fertilizers, prepared mixtures (mixtures containing 25% or more ammonium nitrate, ammonium phosphate, ammonium sulphate, sodium nitrate, or urea) (report percentage of foregoing constituents in mixtures).....	8551.65	None
Phosphatic fertilizer materials, phosphate materials, n. e. s. (include bone-ash, dust and meal, sintered matrix, and animal carbon for fertilizer, basic slag, South Carolina river rock, castor pomace, etc.).....	8520.00	None
Potassic fertilizer materials, n. e. s. (25% K ₂ O content equivalent).....	8531.95	None
Potassic fertilizer materials, other than potassium chloride and potassium sulphate, containing 27% or more potassium oxide (K ₂ O) equivalent (25% K ₂ O content equivalent).....	8531.65	None
Potassium chloride (muriate).....	8531.01	None
Potassium sulphate.....	8531.03	None
Sodium nitrate, n. e. s.	8509.19	None
Superphosphate standard phosphate superphosphate 20% available phosphoric acid equivalent (include acidulated phosphate).....	8519.00	None
Urea.....	8509.25	None
Dairy products:		
Buttermilk.....	0090.00	O
Cheese, processed.....	0067.50	O
Cheese, other (include in original leaves).....	0067.90	O
Infants' food, malted milk, etc.....	0069.00	O
Milk and cream, condensed (sweetened).....	0061.00	O
Milk and cream, dried skimmed.....	0064.00	O
Milk and cream, dried whole milk.....	0063.00	O
Milk and cream, evaporated (unsweetened).....	0062.00	O
Milk and cream, fresh and sterilized.....	0060.00	O
Dog food.....	0099.00	O
Fish:		
Clams and oysters, canned.....	0088.05	O
Crab meat and crabs, canned.....	0088.03	O
Lobster, canned.....	0088.01	O
Shellfish, canned, other.....	0088.98	O
Shrimp, canned.....	0087.00	O
Fruits—fresh and subtropical:		
Apples in barrels.....	1312.00	O
Apples in baskets.....	1310.00	O
Apples in boxes.....	1311.00	O
Apricots.....	1319.10	O
Berries.....	1313.00	O
Cherries.....	1309.00	O
Dates, fresh.....	1331.00	O
Grapefruit.....	1302.00	O
Grapes.....	1315.00	O
Lemons and limes.....	1303.00	O
Oranges and tangerines.....	1305.00	O
Peaches.....	1317.00	O
Pears.....	1316.00	O
Pineapples.....	1307.00	O
Prunes and plums.....	1318.00	O
Watermelons.....	1314.10	O
Melons, n. e. s.	1314.50	O
Fruits, fresh other.....	1319.90	O
Meat products:		
Beef, canned, corned, hash, hamburger, steak.....	0036.15	O
Beef, canned, other (include beef and ox tongues).....	0036.90	O
Beef, fresh or frozen.....	0020.00	O
Beef, pickled or cured.....	0021.00	O
Beef, roast or boiled.....	0036.18	O
Chicken, canned.....	0039.01	O
Mutton and lamb.....	0034.00	O
Pork bacon (include all pickled sides, n. e. s. and backs).....	0029.00	O
Pork, canned.....	0037.00	O
Pork, Cumberland and Wiltshire sides.....	0030.00	O
Pork, fresh or frozen.....	0027.00	O
Pork, ham and shoulder, cured.....	0028.00	O
Pork, other, pickled or salted.....	0032.00	O
Sausage, bologna and frankfurters, canned.....	0038.00	O
Sausage ingredients, salted or otherwise cured.....	0044.00	O
Sausage, bologna, and frankfurters, not canned.....	0035.00	O
Veal, fresh or frozen.....	0020.00	O
Veal, pickled or cured.....	0021.00	O
Other canned meat.....	0039.09	O
Other meats (include smoked poultry).....	0045.00	O
Sugar and related products:		
Chewing gum.....	1639.00	O
Glucose, dry.....	1644.00	O
Glucose, liquid.....	1643.00	O
Synthetic textiles:		
Nylon, hosiery, women's and children's.....	3554.10	O

Commodity	Department of Commerce No.	General license group
Vegetables and preparations:		
Beans, dry or ripe	1201.10	O
Ketchup, chile sauce, and other tomato table sauces	1251.00	C
Peas, dry or ripe	1202.10	C
Seed beans	1201.50	C
Seed peas	1202.50	C
Vegetable preparations, other	1259.98	C
Vegetables, dehydrated	1259.03	C
Vegetables and juices, canned, other	1249.00	C

Shipments of the above commodities for which Office of Defense Transportation permits have been issued or which are on dock, on lighter, laden aboard the exporting carrier, or in transit to ports of exit pursuant to actual orders for export prior to the effective date of change may be exported under the previous general license provisions.

This amendment shall become effective March 24, 1943.

(Sec. 6, 54 Stat. 714; Public Law 75, 77th Cong.; Public Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 40, 8 F.R. 1938)

Dated: March 19, 1943.

A. N. ZIEGLER,
Acting Chief of Office,
Office of Exports.

[F. R. Doc. 43-4254; Filed, March 19, 1943;
11:24 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

PART 937—ZINC

[General Preference Order M-11-a as Amended March 20, 1943]

Section 937.2 *Supplementary Order M-11-a* is hereby amended to read as follows:

§ 937.2 *General Preference Order M-11-a*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Zinc oxide" means all grades of zinc oxide, including lead free and leaded, produced from ores, concentrates, metallic zinc, or other primary material and from scrap, dross, ashes, skimmings or other secondary material.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(3) "Producer" means any person producing zinc oxide and any person who has zinc oxide produced for him under toll agreement.

(c) *Restrictions.*—(1) *Allocated production.* Each producer of zinc oxide shall set aside from his production each month quantities of zinc oxide, to be determined from time to time by the Director General for Operations, to be delivered only upon express direction of the Director General for Operations.

(2) *Other production.* Each producer of zinc oxide shall ship all his production not set aside pursuant to paragraph (c) (1) so that each customer will receive an equal percentage of the producer's commitments to him.

(d) *Exception.* Notwithstanding the provisions of paragraph (c), a producer may satisfy his commitments to any one customer in full up to but not exceeding 2,000 pounds of zinc oxide during any one month.

(e) *Applications for allocations.* Any person who in any month cannot otherwise obtain zinc oxide in quantities required to fill his preference rated orders may apply for an allocation of zinc oxide for that month by filing with the War Production Board, Ref: M-11-a not later than the 15th of the month preceding the month in which the allocation is desired, an application on Form PD-62.

(f) *Interdepartmental shipments.* The restrictions, limitations and prohibitions in paragraph (c) of this order shall apply to any shipments of zinc oxide from any producing branch, division or department of any business enterprise to another branch, division or department in the same or any other business enterprise owned or controlled by the same person.

(g) *Limitation of inventories.* Unless specifically authorized by the Director General for Operations, no person shall knowingly make delivery of zinc oxide, and no person shall accept delivery thereof, if the inventory of zinc oxide of the person accepting delivery is, or will by virtue of such acceptance become, in excess of the practicable minimum working inventory reasonably necessary to meet deliveries of the person accepting delivery, on the basis of his current method and rate of operation.

(h) *Addressing of communications.* All applications, statements or other communications filed pursuant to this order or concerning the subject matter hereof, should be addressed to: War Production Board, Zinc Division, Washington, D. C., Ref: M-11-a.

(i) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining

further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(j) *Effective date.* This amended order shall take effect January 1, 1943.

Issued this 20th day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-4312; Filed, March 20, 1943;
11:09 a. m.]

PART 1099—BEDS, SPRINGS AND MATTRESSES

[Interpretation 1 to Limitation Order L-49, As Amended February 23, 1943]

The following interpretation is hereby issued by the Director General for Operations with respect to § 1099.1, General Limitation Order L-49, as amended February 23, 1943:

Some question has arisen as to the effect of L-49 upon the repair and renovation of used coil, flat, and fabric bedsprings. Paragraph (a) (5) of L-49 defines a manufacturer as "any person who manufactures or assembles bedding products . . ." and paragraph (a) (6) defines a renovator as "any person who repairs used bedding products."

Persons who obtain new or used parts, or used bedsprings, which they tear down completely and which they thereafter reassemble into bedsprings are engaged in manufacturing operations regardless of the fact that only used parts may be involved. As manufacturers they become subject to weight and quota limitations on bedsprings contained in L-49. Persons who take used bedsprings and remove only worn parts of such springs which they replace with either new parts or parts which have been used in bedsprings other than the specific ones being repaired are renovators and as such are not subject to any restrictions contained in L-49.

Issued this 20th day of March, 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-4313; Filed, March 20, 1943;
11:09 a. m.]

PART 1107—TRACK-LAYING TRACTORS AND AUXILIARY EQUIPMENT

[Supplementary General Limitation Order L-53-b as Amended March 20, 1943]

REPAIR PARTS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain repair parts necessary to service track-laying tractors for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1107.3 *Supplementary General Limitation Order L-53-b*—(a) *Definitions.*

(1) "Track-laying tractor" means a vehicle powered by an internal combustion engine, used for pushing or pulling heavy loads, obtaining traction and steered by a full crawler or track-type device but

does not include Ordnance models of tank-type construction such as models M-2, M-4 and M-5.

(2) "Repair part" means:

(i) Any part manufactured for use in the repair of track-laying tractors, but shall not mean parts sold to other manufacturers for manufacturing purposes.

(ii) Tools which bear a producer's standard parts number and which are used in servicing track-laying tractors or attachments.

(3) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(4) "Producer" means any person engaged in the manufacture of track-laying tractors and repair parts.

(5) "Domestic dealer or distributor" means any person located within the United States or Canada who by a written agreement with a producer has been granted a sales territory for the sale of repair parts within the United States or Canada.

(6) "Export dealer or distributor" means any dealer or distributor who by written agreement with a producer has been granted a sales territory for the sale of repair parts outside the United States and Canada.

(7) "Certificate of minimum requirements" means a declaration in writing by a purchaser pursuant to paragraph (c) (1) of this order.

(8) "War project" means:

(i) A construction project undertaken by or contracted for by or for the account of, the Army, the Navy, Maritime Commission or Defense Plant Corporation, or any other construction project granted a preference rating of AA-4 or higher under any order in the P-55 or P-19 series.

(ii) Any other project which shall be so designated by the Director General for Operations.

(9) "Essential civilian operation" means:

(i) The operation of any mine that holds a serial number under Preference Rating Order P-56;

(ii) Any operation directly incident to the production of logs of any species, including the delivery of logs to sawmills, pulp mills or other dealers in or users of logs;

(iii) Any operation directly incident to the planting, growing or harvesting of agricultural products (excluding flowers, shrubs and other plants grown for decorative purposes);

(iv) Any operation directly incident to the discovery, development or depletion of petroleum pools or the extraction, processing or storing of petroleum or petroleum products, or the transportation thereof by pipe line; or

(v) Any other operation or project which shall be so designated by the Director General for Operations.

(10) "United States" means the forty-eight states of the United States and the District of Columbia.

(11) "Foreign base" means a construction project located outside the United States or Canada being built for or under the supervision of the War Department, Navy Department or other United States Government Agency by civilian contracting or engineering organizations which normally purchase repair parts from sources located within the United States.

(12) "Military agency" means the Army, Navy, Maritime Commission, War Shipping Administration or any of the following persons when acting as the authorized procurement agents for the Navy:

(i) George A. Fuller Co. and Merritt-Chapman and Scott Corp.;

(ii) M. T. Reed Company;

(iii) Siems-Drake, Puget Sound;

(iv) Pacific Naval Air Bases.

(b) *Limitations on sales by producers.*

(1) No producer shall sell or deliver repair parts to any person except:

(i) A military agency,

(ii) A domestic dealer or distributor located within the United States or Canada, or

(iii) Any person (other than a military agency or domestic dealer or distributor) for export outside the territorial limits of the United States and Canada subject to paragraph (b) (2) hereof.

(2) On and after April 15, 1943, no producer shall sell or deliver any repair parts to any person (except a military agency or an export dealer or distributor) for export outside the territorial limits of the United States and Canada, except upon receipt of Form PD-556 approved by the Director General for Operations. In order to receive such approval a purchaser shall file Form PD-556 with the Director General for Operations, War Production Board, Washington, D. C., Ref: L-53-b.

(3) No producer shall, during the period of July 1, 1942 to June 30, 1943, sell or deliver to or for the combined accounts of the military agencies any repair parts in excess of an aggregate of 40 percent of the value, at invoice price, of his total shipments of such repair parts during such period. No producer shall, during the period of July 1, 1943 to June 30, 1944, sell or deliver to or for the combined accounts of the military agencies any repair parts in excess of an aggregate of 40 percent of the value, at invoice price, of his total shipments of such repair parts during such period. This 40 percent restriction does not limit purchases made by a military agency from domestic dealers or distributors upon a certificate of minimum requirements.

(4) Except as provided in paragraph (b) (5) of this order or upon specific authorization of the Director General for Operations, pursuant to application by letter in triplicate to the War Production Board, Washington, D. C., Ref. L-53-b, no producer shall during any calendar quarter sell or ship to any domestic dealer or distributor a quantity of repair parts of a value at invoice price in excess of either \$500.00 or 60

percent of the value of such producer's shipments to such domestic dealer or distributor during the preceding six calendar months, whichever is the greater.

(5) Notwithstanding the provisions of paragraph (b) (4) of this order, a producer may sell or ship to any domestic dealer or distributor during any calendar quarter repair parts in an amount up to and including 25 percent in excess of the quota of such domestic dealer or distributor as computed in accordance with the terms of paragraph (b) (4) of this order, but any sales or shipments in excess of such quota shall be charged against the quota of such domestic dealer or distributor for the next calendar quarter, and such excess shipments shall not be used in computing any base period quota thereafter.

(c) *Limitations on sales by domestic dealers and distributors.* (1) Except as provided in paragraphs (c) (3) and (c) (4) of this order, no domestic dealer or distributor of repair parts shall sell or deliver any repair parts to any person (except a producer or another domestic or export dealer or distributor) unless he has received from such person a separate certificate for each track-laying tractor for which repair parts are sought to be purchased, in substantially the form set forth below, signed by an authorized official, either manually or as provided in Priorities Regulation No. 7, and giving all of the information called for:

Pursuant to the terms of Limitation Order L-53-b of the War Production Board the undersigned certifies to the seller and to the War Production Board that the following statements are correct:

- (i) -----
Make and model of track-laying tractor for which repair parts are sought
- (ii) -----
Factory serial number
- (iii) -----
Owner of track-laying tractor
- (iv) -----
Type of work track-laying tractor is being repaired to perform (e. g., government construction, mining, logging, agriculture, etc.)
- (v) -----
Contract number of war agency or P-19 serial number and rating, if any
- (vi) The purchaser hereby certifies that he has registered all construction equipment owned by him pursuant to the terms of Limitation Order L-196.
- (vii) The purchaser hereby certifies that the repair parts listed on the purchase order to which this certificate pertains are the minimum quantity of repair parts immediately necessary to put such track-laying tractor in serviceable condition.
- (viii) The purchaser hereby certifies that he does not have like parts on hand or on order to repair the above-described track-laying tractor.

Date _____ Name of purchaser _____
Address of purchaser _____

(2) No domestic dealer or distributor of repair parts shall sell or deliver:

(i) A quantity of repair parts to any person in excess of such person's certified minimum requirements.

(ii) Any repair parts to any person whose certificate such domestic dealer or distributor knows or has reason to believe is false.

(3) Notwithstanding the provisions of paragraphs (c) (1) and (c) (2) of this order, a domestic dealer or distributor may sell and deliver repair parts to a purchaser for use on a foreign base under circumstances where the distances involved, the time element, or the lack of shipping facilities make it impracticable to furnish a certificate of minimum requirements, provided such domestic dealer or distributor receives from such purchaser Form PD-556 approved by the Director General for Operations. In order to receive such approval a purchaser shall file Form PD-556 with the Director General for Operations, War Production Board, Washington, D. C., Ref: L-53-b.

(4) Notwithstanding the provisions of paragraph (c) (2) of this order, a domestic dealer or distributor may sell or deliver fuel filters and oil filters in sufficient quantity to permit 500 hours operation if he has received from the purchaser a certificate in accordance with paragraph (c) (1) hereof even though subdivisions (vii) and (viii) of such certificate are not completed.

(d) *Procedure for domestic dealer or distributor in placing orders for critical repair parts.* (1) A domestic dealer or distributor in placing a purchase order with a producer for a repair part may, if he wishes such purchase order to be entitled to the treatment by the producer required in paragraph (e) of this order, state on the purchase order (i) the name of the person for whom such repair part is being ordered, and (ii) the type of work the track-laying tractor is to be repaired to perform as shown by item (iv) of the certificate of minimum requirements of such person or by Form PD-556 in cases subject to paragraph (c) (3) relating to sales for use on a foreign base. Any repair part received by such domestic dealer or distributor pursuant to such a purchase order shall be delivered only to the person for whom it was ordered or as otherwise directed by the producer from whom it was received. Nothing in the foregoing shall be construed to require a domestic dealer or distributor to place the statements specified above on any order for a repair part placed with a producer for the purpose of building inventory stock or for any other purpose.

(e) *Procedure when inventory of producer is insufficient to fill orders.* (1) Whenever unfilled orders in the hands of a producer calling for immediate delivery of any repair part shall exceed his inventory of such repair part, he shall, so long as such condition exists, make no sale (except to military agencies and for export pursuant to paragraph (b) (2) of this order) on any purchase order not containing the statements referred to in paragraph (d) (1) of this order and shall apportion his sales of such repair part as follows:

(i) Sales directly to military agencies—not more during any month than 40 per-

cent of his total sales of such repair part during that month.

(ii) Sales to domestic dealers and distributors for delivery to persons engaged on war projects and on foreign bases (as indicated by the purchase order of the dealer or distributor)—not more during any month than 20 percent of his total sales of such repair part during that month.

(iii) Sales to domestic dealers and distributors for delivery to persons engaged in essential civilian operations (as indicated by the purchase order of the dealer or distributor)—not more during any month than 20 percent of his total sales of such repair part during that month.

(iv) Sales for export (except to military agencies and to persons operating on foreign bases)—not more during any month than 15 percent of the total sales of such repair part during that month.

(v) Sales to persons or for purposes other than those specified in subdivisions (i) through (iv) of this paragraph (e) (1) upon authorization of the Director General for Operations on Form PD-556—the remainder of his total sales during the month.

(2) If at any time a producer has no unfilled orders for any of the categories of sales specified in subdivisions (ii), (iii) or (iv) of paragraph (e) (1), he may fill, out of the sales quota allotted to that category, any purchase order in any other of the categories of sales described in said subdivisions (ii), (iii) and (iv).

(3) Each producer shall fill purchase orders within each of the categories of sales specified in paragraph (e) (1) above in the order in which they were received by him.

(4) No producer shall fill any purchase order for a repair part which does not contain the statements specified in paragraph (d) (1) of this order so long as he has on hand unfilled orders for that repair part which do contain such statements.

(f) *Filling orders upon specific direction of the Director General for Operations.* Notwithstanding the provisions of paragraphs (d) and (e) of this order, a producer or a domestic dealer or distributor shall, upon the specific direction of the Director General for Operations on Form PD-556, make delivery of any repair part to fill any order specified in such authorization, provided that nothing in this paragraph (f) shall authorize the Director General for Operations to reduce a producer's sales of any repair part to the military agencies, during any month, below 40 percent of such producer's total sales of such repair part during that month.

(g) *Return of used repair parts.* (1) No person (other than a military agency or a person operating on a foreign base) shall purchase any metal repair part from a domestic dealer or distributor unless he:

(i) Delivers to the dealer or distributor concurrently with the purchase a used part (except in the case of repair parts consumed in use, lost or stolen) of similar kind and size for each new repair part purchased by him; or

(ii) Agrees with seller in writing to do so within 30 days or to furnish to the seller within such period a duplicate sales receipt indicating the sale or disposal of such used part through customary scrap channels.

No domestic dealer or distributor shall sell a new repair part to a person to replace a part which such domestic dealer or distributor can recondition by the use of available facilities.

(h) *Inventories and allocation of repair parts.* (1) The Director General for Operations may from time to time require any designated person, except a military agency, to submit his inventory of repair parts.

(2) Whenever the Director General for Operations determines that a critical shortage of repair parts needed for national defense exists, he may issue a schedule defining such repair parts and may thereupon according to the degree of the shortage and the immediacy of the needs:

(i) Direct any producer, dealer or distributor, except a military agency, to deliver or sell to any other person at regularly established prices and terms such quantities of such repair parts as he may determine to be in excess of the minimum requirements of the person so directed.

(ii) Prohibit any person, except a military agency, from purchasing, delivering or accepting delivery of such repair parts without the specific authorization of the Director General for Operations.

(i) *Applicability of priorities regulations.* (1) The provisions of § 944.2 through and including § 944.9 of Priorities Regulation No. 1 as amended, shall not be applicable to any purchase order for track-laying tractor repair parts placed with a producer, dealer or distributor.

(2) Except as provided in paragraph (i) (1) hereof, this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(j) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, sales, purchase orders and certificates of minimum requirements pursuant to which he has sold repair parts.

(k) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(l) *Reports.* Any person affected by this order shall file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(m) *Violations.* Any person who willfully violates any provisions of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment.

ment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(n) *Appeal.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(o) *Communications.* All reports to be filed, appeals and other communications concerning this order shall be addressed to War Production Board, Construction Machinery Division, Washington, D. C., Ref: L-53-b.

Issued this 20th day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-4314; Filed, March 20, 1943;
11:09 a. m.]

PART 3115—CONSTRUCTION MACHINERY AND EQUIPMENT SIMPLIFICATION AND CONSERVATION

[Schedule VII to Limitation Order L-217, as Amended March 20, 1943]

PUMPS

NOTE: Paragraph (d) (1) (vi) amended March 20, 1943.

§ 3115.8 *Schedule VII to Limitation Order L-217—(a) Definitions.* For the purposes of this Schedule VII:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Producer" means any person engaged in the manufacture of pumps as herein defined.

(3) "Pumps" means gasoline or electric motor driven pumps, skid or trailer mounted, ordinarily used by contractors for dewatering and supply of the types approved by the Associated General Contractors of America (A. G. C.), February 21, 1941, and listed below:

- (i) Centrifugal self-priming pumps.
- (ii) Diaphragm pumps.
- (iii) Triplex piston rod pumps.
- (iv) Plunger pumps.

This definition does not include Underwriter's approved fire fighting pumps, farm type pumps and industrial type pumps.

(4) "Repair part" means any part manufactured for use in the repair of pumps as herein defined.

(5) "The Military" means the Army, Navy, Maritime Commission, War Shipping Administration and the following persons when acting as the authorized procurement agents for the Navy:

- (i) Fuller, Merritt, Chapman and Scott Corporation.
- (ii) M. T. Reed Contracting Company.
- (iii) Siems Drake Puget Sound.
- (iv) Pacific Naval Air Bases.

(6) "New" when applied to pumps, means any pump which has not been sold by a producer or a distributor to a

person acquiring it for use, regardless of whether such pump may have been leased to any person by such producer or distributor.

(7) "Copper" means unalloyed copper metal, including unalloyed copper metal produced from scrap.

(8) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds forty percent (40%) of the total weight of the alloy. It shall include alloy metal produced from scrap.

(b) *Exemptions.* Nothing in this schedule shall be deemed to prevent producers from filling orders for pumps placed by or for the account of the military.

(c) *Limitation on production and assembly of pumps.* (1) On and after March 15, 1943, no producer shall put into process any materials for the manufacture of pumps which do not conform to the sizes, types, models and designs established in paragraph (d) hereof. Nothing in this paragraph (c) (1) shall be deemed to prohibit the use of any such materials which may have been in transit to such producer or in process by him on that date.

(2) Nothing in this schedule shall be deemed to restrict the production of repair parts.

(d) *Limitation on sizes and types.* Producers are limited to the following sizes, types and models of pumps, and no more than one design is permitted for each such type, size and model:

(1) *Self-priming centrifugal pumps* (Iron body construction only):

(i) 1½"—3,000 G. P. H. minimum capacity (mounted on skids only).

(ii) 2"—10,000 G. P. H. minimum capacity (two wheel trailer mounting or on skids only).

(iii) 3"—20,000 G. P. H. minimum capacity (two wheel trailer mounting or on skids only).

(iv) 4"—40,000 G. P. H. minimum capacity (two wheel trailer mounting or on skids only).

(v) 6"—90,000 G. P. H. minimum capacity (two wheel trailer mounting or on skids only).

(vi) 8"—125,000 G. P. H. minimum capacity (four wheel running gear or on skids only).

(vii) 10"—180,000 G. P. H. minimum capacity (four wheel running gear or on skids only).

(2) *Diaphragm pumps:*

(i) 3" single diaphragm on 2 wheel trailer mounting with closed type discharge.

(ii) 4" single diaphragm on 2 wheel trailer mounting with closed type discharge.

(3) *Triplex rod pumps:*

(i) 125 G. P. H. at 500 pounds pressure model mounted on four wheel running gear.

(4) *Plunger pumps:*

(i) No plunger pumps are to be manufactured for dewatering purposes.

(e) *Limitation on painting.* On and after March 15, 1943, no producer shall use striping or trimming on pumps, nor use more than one color finish coat paint on any one pump and its repair parts if painted. Nothing in this paragraph (e) shall be deemed to require the repainting of any pumps or repair parts in any such producer's inventory on March 15, 1943,

(f) *Limitations on accessories.* On and after March 15, 1943, no producer shall manufacture, or receive from his supplier for resale, any of the following items, unless such items are in process or on order prior to February 25, 1943:

(1) Hand cranks, other than rope starters, to be furnished as equipment for new single cylinder engine pumps;

(2) Spring axle mountings for new pumps;

(3) Bearings, except plain or agricultural pin type bearings, for axle wheels on new pumps;

(4) Vacuum or pressure gauges, except for resale as special equipment;

(5) Skids, unless made of wood, for new pumps; or

(6) Wheel bushings containing copper or copper base alloy.

(g) *Restrictions on producers.* No producer, unless actively engaged in the current production of pumps (as indicated by his January, 1943, filing of production and shipment schedules on Form PD-697, pursuant to Limitation Order L-192) shall thereafter enter into the production thereof.

Issued this 20th day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-4315; Filed, March 20, 1943;
11:09 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Interpretation 1 to Limitation Order L-245]

The following interpretation is hereby issued by the Director General for Operations with respect to § 3133.17 Limitation Order L-245.

Question has arisen as to whether a "publisher" as defined in paragraph (a) (3), may purchase, for resale, books printed by a printer (or book manufacturer).

A printer (or book manufacturer) who was not a "publisher" of books during the base period, 1942, has no quota of paper for the publishing of books in 1943 under the terms of the order. He is engaged in the commercial printing of books for the account of book publishers and as such any paper which he may put into process is limited to such amount as is provided by the terms of Order L-241. Order L-241 excepts from such printer's quota "books" printed for a publisher. Consequently a publisher ordering such books must deduct the tonnage of paper represented by such books from his quota.

As between publishers, however, Order L-245 does not prohibit Publisher A from purchasing books from Publisher B where such books bear the imprint of Publisher B and where the paper for such books is deducted by Publisher B from his quota.

Issued this 20th day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-4316; Filed, March 20, 1943;
11:09 a. m.]

PART 3222—DEERSKINS

[General Preference Order M-301]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of deer-

skins for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3222.1 *General Preference Order M-301*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Domestic deerskin" means the skin of any deer, except:

- (i) Elk, moose, and caribou skins, and
- (ii) Imported deerskin.

(2) "Deerskin leather" means any leather resulting from the tanning of deerskins.

(3) "Put in process" means to soak in water or solution before depilation.

(4) "Military order" means an order for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, the government of Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies and Protectorates, or Yugoslavia, or the government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(c) *Restrictions on processing, splitting, shaving, skiving, distribution and use.* (1) No person shall put in process, or continue to process, any domestic deerskin or deerskin leather, except for the following purposes:

(i) To produce suitable leather meeting United States Army specification 9-75, as amended from time to time, or United States Quartermaster Corps Tentative Specification CQD-105, as amended from time to time; or

(ii) To fill a specific military order.

(2) No person shall sell or deliver any domestic deerskin leather, or incorporate or manufacture any domestic deerskin leather into any product, except against a specific military order.

(d) *Exceptions.* The restrictions of this order shall not apply to:

(1) Any deerskin or deerskin leather which does not meet either of the specifications referred to in paragraph (c) (1) above and cannot be processed by any person into suitable leather meeting either of such specifications: *Provided, however,* That the color prescribed in either of said specifications shall not be considered a part of said specification within the meaning of this paragraph (d) (1).

(2) Deerskin leather rejected in writing by the United States Army Quartermaster Depot, Chicago, Illinois.

(3) Deerskin leather colored black or dark brown before March 20, 1943.

(4) Any person who at no time processes, splits, shaves, skives, sells, delivers or uses more than 25 deerskins during any calendar month beginning with March, 1943, or causes more than 25 deerskins to be processed, split, shaved, skived, sold, delivered or used for his account during any such month.

(e) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(f) *Records.* Any person who puts deerskins in process or uses deerskin leather for manufacturing purposes shall preserve such records for not less than two years as will clearly and adequately indicate his compliance with this order.

(g) *Communications to the War Production Board.* All reports, applications, forms or communications required under or referred to in this order, and all communications concerning this order, shall, unless otherwise directed, be addressed to the War Production Board, Leather and Shoe Branch, Washington, D. C., Ref.: M-301.

(h) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or who furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority assistance.

Issued this 20th day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-4317; Filed, March 20, 1943;
11:09 a. m.]

PART 1010—SUSPENSION ORDERS

[Revocation of Suspension Order S-201]

SOUTHERN STOVE WORKS

Southern Stove Works, Inc., Richmond, Virginia, has appealed from the provisions of Suspension Order S-201, (8 F.R. 98) issued January 1, 1943. After reviewing the Company's appeal, it has been determined that the Company was in doubt as to the effect of War Production Board orders upon its operations during the period when its violations occurred and was not wilful or culpably negligent in failing to ascertain the exact effect of such orders. In view of the foregoing, it is hereby ordered, That:

§ 1010.201 *Suspension Order No. S-201.* (a) Section 1010.201, Suspension

Order S-201, issued January 1, 1943, is hereby revoked.

Issued this 20th day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-4342; Filed, March 20, 1943;
2:35 p. m.]

PART 3155—IMPORTED COTTON YARNS AND FABRICS

[Supplementary Order M-272-a]

§ 3155.2 *Supplementary Order M-272-a.* Pursuant to paragraph (d) of Conservation Order M-272—Imported Cotton Yarns and Fabrics, which this order supplements, the percentage referred to in said paragraph (d) is hereby raised to 30% for the calendar quarter beginning April 1, 1943, and for every calendar quarter thereafter until such time as a different percentage is established.

Issued this 22d day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-4401; Filed, March 22, 1943;
11:24 a. m.]

PART 3157—CONTROLLED SHIPMENTS

[Interpretation 2 to General Transportation Order T-1]

The following official interpretation is hereby issued with respect to § 3157.1 *General Transportation Order T-1*:

Whenever any city or village is specifically referred to in any zone designated on List 1, the boundary of such city or village shall be deemed to include the railroad switching limits as established in duly published rail tariffs.

Issued this 22d day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-4402; Filed, March 22, 1943;
11:24 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Interpretation 2 of CMP Reg. 1]

The following interpretation is hereby issued by the Director General for Operations with respect to § 3175.1 of CMP Regulation No. 1, as amended February 27, 1943. The question has been raised as to whether a consumer may place authorized controlled material orders or make allotments exceeding in the aggregate the total amount of his allotment if he intends to cancel the excess before delivery.

Under CMP Regulation No. 1 a consumer is prohibited from duplicating authorized controlled material orders or allotments even though he intends to cancel or reduce his delivery orders to the allotted amount prior to delivery.

Issued this 22d day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-4403; Filed, March 22, 1943;
11:24 a. m.]

(Pub. Laws 421, 507, and 729 77th Cong., Executive Order No. 9125, 7 F.R. 2719; WPB Dir. No. 1, 7 F.R. 562)

Issued this 19th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4270; Filed, March 19, 1943; 2:55 P. M.]

PART 1306—IRON AND STEEL
[Correction to Rev. MPR 230]

TUBULAR PIPES

In § 1306.464 (b) (1), the prices for pipe listed in Table I, for the sizes and weights set forth below, are corrected to read as follows:

TABLE I—PIPE OTHER THAN OIL COUNTRY TUBULAR GOODS BLACK PIPE

Description of pipe		Price per hundred feet—dollars				
Size	Weight per foot (pounds)	Zone 1		Zone 2	Zone 3	Zone 4
		Threaded and coupled	Plain end	•	•	\$0.75 and over but less than \$1.00 freight rate per hundred pounds
Inside diameter (inches)	Outside diameter (inches)					
4 1/2	7.1	\$24.10	\$22.20			
5	10.81					
5 1/2	14.62					
6	17.07					
6 1/2	20.78					
7	24.63					
7 1/2	28.57					
8	32.60					
8 1/2	36.70					
9	40.80					
9 1/2	44.90					
10	49.00					
10 1/2	53.10					
11	57.20					
11 1/2	61.30					
12	65.40					
12 1/2	69.50					
13	73.60					
13 1/2	77.70					
14	81.80					
14 1/2	85.90					
15	90.00					
15 1/2	94.10					
16	98.20					
16 1/2	102.30					
17	106.40					
17 1/2	110.50					
18	114.60					
18 1/2	118.70					
19	122.80					
19 1/2	126.90					
20	131.00					
20 1/2	135.10					
21	139.20					
21 1/2	143.30					
22	147.40					
22 1/2	151.50					
23	155.60					
23 1/2	159.70					
24	163.80					
24 1/2	167.90					
25	172.00					
25 1/2	176.10					
26	180.20					
26 1/2	184.30					
27	188.40					
27 1/2	192.50					
28	196.60					
28 1/2	200.70					
29	204.80					
29 1/2	208.90					
30	213.00					
30 1/2	217.10					
31	221.20					
31 1/2	225.30					
32	229.40					
32 1/2	233.50					
33	237.60					
33 1/2	241.70					
34	245.80					
34 1/2	249.90					
35	254.00					
35 1/2	258.10					
36	262.20					
36 1/2	266.30					
37	270.40					
37 1/2	274.50					
38	278.60					
38 1/2	282.70					
39	286.80					
39 1/2	290.90					
40	295.00					
40 1/2	299.10					
41	303.20					
41 1/2	307.30					
42	311.40					
42 1/2	315.50					
43	319.60					
43 1/2	323.70					
44	327.80					
44 1/2	331.90					
45	336.00					
45 1/2	340.10					
46	344.20					
46 1/2	348.30					
47	352.40					
47 1/2	356.50					
48	360.60					
48 1/2	364.70					
49	368.80					
49 1/2	372.90					
50	377.00					
50 1/2	381.10					
51	385.20					
51 1/2	389.30					
52	393.40					
52 1/2	397.50					
53	401.60					
53 1/2	405.70					
54	409.80					
54 1/2	413.90					
55	418.00					
55 1/2	422.10					
56	426.20					
56 1/2	430.30					
57	434.40					
57 1/2	438.50					
58	442.60					
58 1/2	446.70					
59	450.80					
59 1/2	454.90					
60	459.00					
60 1/2	463.10					
61	467.20					
61 1/2	471.30					
62	475.40					
62 1/2	479.50					
63	483.60					
63 1/2	487.70					
64	491.80					
64 1/2	495.90					
65	500.00					
65 1/2	504.10					
66	508.20					
66 1/2	512.30					
67	516.40					
67 1/2	520.50					
68	524.60					
68 1/2	528.70					
69	532.80					
69 1/2	536.90					
70	541.00					
70 1/2	545.10					
71	549.20					
71 1/2	553.30					
72	557.40					
72 1/2	561.50					
73	565.60					
73 1/2	569.70					
74	573.80					
74 1/2	577.90					
75	582.00					
75 1/2	586.10					
76	590.20					
76 1/2	594.30					
77	598.40					
77 1/2	602.50					
78	606.60					
78 1/2	610.70					
79	614.80					
79 1/2	618.90					
80	623.00					
80 1/2	627.10					
81	631.20					
81 1/2	635.30					
82	639.40					
82 1/2	643.50					
83	647.60					
83 1/2	651.70					
84	655.80					
84 1/2	659.90					
85	664.00					
85 1/2	668.10					
86	672.20					
86 1/2	676.30					
87	680.40					
87 1/2	684.50					
88	688.60					
88 1/2	692.70					
89	696.80					
89 1/2	700.90					
90	705.00					
90 1/2	709.10					
91	713.20					
91 1/2	717.30					
92	721.40					
92 1/2	725.50					
93	729.60					
93 1/2	733.70					
94	737.80					
94 1/2	741.90					
95	746.00					
95 1/2	750.10					
96	754.20					
96 1/2	758.30					
97	762.40					
97 1/2	766.50					
98	770.60					
98 1/2	774.70					
99	778.80					
99 1/2	782.90					
100	787.00					
100 1/2	791.10					
101	795.20					
101 1/2	799.30					
102	803.40					
102 1/2	807.50					
103	811.60					
103 1/2	815.70					
104	819.80					
104 1/2	823.90					
105	828.00					
105 1/2	832.10					
106	836.20					
106 1/2	840.30					
107	844.40					
107 1/2	848.50					
108	852.60					
108 1/2	856.70					
109	860.80					
109 1/2	864.90					
110	869.00					
110 1/2	873.10					
111	877.20					
111 1/2	881.30					
112	885.40					
112 1/2	889.50					
113	893.60					
113 1/2	897.70					
114	901.80					
114 1/2	905.90					
115	910.00					
115 1/2	914.10					
116	918.20					
116 1/2	922.30					
117	926.40					
117 1/2	930.50					
118	934.60					
118 1/2	938.70					
119	942.80					
119 1/2	946.90					
120	951.00					
120 1/2	955.10					
121	959.20					
121 1/2	963.30					
122	967.40					
122 1/2	971.50					
123	975.60					
123 1/2	979.70					
124	983.80					
124 1/2	987.90					
125	992.00					
125 1/2	996.10					
126	1000.20					
126 1/2	1004.30					
127	1008.40					
127 1/2	1012.50					
128	1016.60					
128 1/2	1020.70					
129	1024.80					
129 1/2	1028.90					
130	1033.00					
130 1/2	1037.10					
131	1041.20					
131 1/2	1045.30					
132	1049.40					
132 1/2	1053.50					
133	1057.60					
133 1/2	1061.70					
134	1065.80					
134 1/2	1069.90					
135	1074.00					
135 1/2	1078.10					
136	1082.20					
136 1/2	1086.30					
137	1090.40					
137 1/2	1094.50					
138	1098.60					
138 1/2	1102.70					
139	1106.80					
139 1/2	1110.90					
140	1115.00					
140 1/2	1119.10					

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11,¹ Amendment 50]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new § 1394.5404 is added; as set forth below:

A new § 1394.5404 is added; as set forth below:

Miscellaneous Uses

§ 1394.5404 *Electric power generation.* (a) In the area designated in paragraph (g) of this section, no ration shall be issued or used, on or after April 5, 1943, for the operation of any electric power generation equipment having an aggregate generating capacity of 100 KW, or more (except for emergency operation and except as otherwise provided in this section), unless:

- (1) The consumer's electric facilities are not connected with any alternate source of power, as defined in paragraph (b) of this section, and cannot be connected with any alternate source of power without the use of an unreasonable quantity of materials essential to the war effort or without unreasonable expense; or

(2) The substitution of any such alternate source of power is not feasible because of capacity, frequency or other technical characteristics or physical limitations; or

(3) The consumer's generation of electric power is a by-product of process steam or other requirements, and the discontinuance or reduction of such electric power generation will not result in a material reduction in the use of fuel oil; or

17 FR. 8480, 8708, 8809, 8897, 9316, 9396,
9492, 9427, 9430, 8621, 9478, 10153, 10081, 10379,
10530, 10531, 10780, 10707, 11118, 11071, 1456,
11005; 8 FR. 165, 237, 437, 369, 374, 535, 439,
444, 607, 608, 977, 1204, 1235, 1282, 1681, 1636,
1889, 2194, 2432, 2598, 2781, 2730, 2887, 2942,
2993, 2887.

(Pub. Laws 421 and 729, 77th Cong.; E.O.
No. 9250, 7 F.R. 7871)

Issued this 19th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4271; Filed, March 19, 1943;
2:54 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Ration Order 1A; Amendment 17]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

1. Section 1315.505 (a) (15) is added to read as follows:

(15) As a hearse, for the transportation of deceased persons.

2. Section 1315.505 (b) (1) is amended by deleting the word "hearses" and the comma following it.

3. Section 1315.506 (a) (1) (ii) is amended to read as follows:

(ii) No certificates for recapping service may be issued for farm tractor or other farm implement tires.

This amendment shall become effective
March 25, 1943.

(Pub. Law No. 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 19th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4272; Filed, March 19, 1943;
2:55 p. m.]

*Copies may be obtained from the Office of Price Administration.

17 F.R. 9160, 9392, 9724, 10072, 10363; 8 F.R.
435, 606, 1585, 1628, 1629, 1839, 2030, 2348,
2152, 2670, 2595, 2600, 2719, 3071.

GALVANIZED PIPE

Price per hundred feet—dollars

Size	Zone 1		Zone 2		Zone 3		Zone 4		Zone 5		Zone 6		Zone 7	
	Less than \$0.25 freight per hundred pounds	\$0.25 and over but less than \$0.50 freight rate per hundred pounds	Threaded and coupled	Plain end	Threaded and coupled	Plain end	Threaded and coupled	Plain end	Threaded and coupled	Plain end	Threaded and coupled	Plain end	Threaded and coupled	Plain end
1/2	2.62	2.52	2.75	2.64	2.88	2.70	3.00	2.88	3.12	3.00	3.36	3.24	3.48	3.36
3/4	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
1	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
1 1/4	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
1 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
2 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
3	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
3 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
4	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
4 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
5	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
5 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
6	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
6 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
7	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
7 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
8	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
8 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
9	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
9 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
10	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
10 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
11	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
11 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
12	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
12 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
13	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
13 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
14	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
14 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
15	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
15 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
16	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
16 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
17	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
17 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
18	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
18 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
19	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
19 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
20	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
20 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
21	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
21 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
22	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
22 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
23	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
23 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
24	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
24 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
25	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
25 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
26	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
26 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
27	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
27 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
28	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
28 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
29	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
29 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
30	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
30 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
31	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
31 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
32	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
32 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
33	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
33 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
34	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
34 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
35	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
35 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
36	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
36 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
37	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
37 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
38	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
38 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
39	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
39 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
40	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
40 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
41	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
41 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
42	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
42 1/2	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00	3.24	3.12	3.48	3.36	3.60	3.48
43	2.64	2.64	2.90	2.76	3.00	2.88	3.12	3.00						

¹ Established charge for transporting pipe by rail at the rate for the lowest minimum carload weight, from Lovain, Ohio, to the rail siding nearest the shipping point.

In Table II, the title on the portion of that table which was continued and reads as follows:

TABLE II—Continued

L COUNTRY TUBULAR GOODS—THREADED AND

The remainder of that portion of Table II which ends with the size and weight set forth in the above paragraph is corrected by having the heading "*Steel drive pipe*" inserted in said table above the line set forth below, as follows:

TABLE II—Continued

TABLE 11—Continued

OIL COUNTRY TUBULAR GOODS—THREADED AND COUPLED—Continued

Steel tubing—plain—Continued
is corrected to read as follows:

TABLE II

TABLE II

COIL COUNTRY TUBULAR GOODS—THREADED AND
COUPLED—continued

Steel casings—Continued

and is further corrected to end at the size and weight set forth below:

Description of pipe		Price per hundred feet—dollars			
Size	Weight per foot (pounds)	Zone 1 Less freight rate per hundred pounds			
		**	**	**	
** **	** **	** **	** **	** **	** **
21½	114.00		\$669.20		

In § 1306.464 (d) (1), the example set forth in Footnote 8 is corrected to read "2" ID 3.67#" instead of "2" OD 3.67#".

In § 1306.464 (d) (2), the reference to paragraphs (b) (3) and (c) (5) of Appendix A is corrected to read (b) (2) and (c) (3) of that Appendix.

(4) Unreasonable interference with the consumer's operations would result from a denial of the ration because of the provisions of this paragraph.

(b) An alternate source of power means electric generating facilities which do not use fuel oil in the generation of electric power.

(c) Where in said area application for such ration is made on or after April 5, 1943, the applicant may, if any of the conditions of subparagraphs (1) to (4) of paragraph (a) of this section is applicable, submit with his application a statement on Form OPA R-1133, in duplicate. If the statement on Form OPA R-1133 is submitted, the Board shall forward one copy thereof to the Office of War Utilities of the War Production Board and shall pass upon the application in the manner provided in § 1394.5402. Any ration which the Board may grant to the applicant shall, however, be subject to reduction or modification in accordance with the findings and recommendation of the Office of War Utilities of the War Production Board. If the ration is reduced or modified, the applicant shall promptly upon receipt of notice thereof surrender to the board his coupon sheets or delivery receipts for reduction or modification as the case may be. If the applicant does not submit such statement (Form OPA R-1133), the ration requested shall not be granted; *Provided*, That nothing in this section shall be deemed to forbid the issuance to such applicant of a ration for the emergency operation of the generation equipment for ten (10) days.

(d) Each person in said area to whom a ration was issued prior to April 5, 1943, for the operation of any electric power generation equipment having an aggregate generating capacity of 100 KW., or more, (except where the ration was granted for the emergency operation of the equipment) shall, on April 5, 6 or 7, 1943:

(1) If none of the conditions of subparagraphs (1) to (4) of paragraph (a) of this section is applicable, surrender his coupon sheets or delivery receipts, representing the ration issued to him for the operation of such electric power equipment, to the issuing board, in which event the board will adjust the allowable ration issued for such purpose to the amount the consumer requires for the emergency operation of the electric generation equipment for ten (10) days; or

(2) If any of the conditions of subparagraphs (1) to (4) of paragraph (a) of this section is applicable, submit to the board a statement on Form OPA R-1133, prepared in duplicate. The board shall forward one copy of such statement to the Office of War Utilities of the War Production Board. The issuing board will, in accordance with the findings and recommendation of the Office of War Utilities of the War Production Board, leave unaffected, reduce, or accelerate the expiration date of, the consumer's ration. If the ration is to be so modified, the issuing board will notify the consumer accordingly, and he shall, in compliance with such notice,

promptly surrender to the board his coupon sheets or Delivery Receipts, for such modification: *Provided, however*, That in no such event shall the consumer's allowable ration issued for such power generation purpose be reduced to an amount less than that required for the emergency operation of the electric generation equipment for ten (10) days.

(e) Notwithstanding that any of the conditions of subparagraphs (1) to (4) of paragraph (a) of this section is applicable, if the consumer shall certify to the board on April 5, 6, or 7, 1943, that he will, within a period not exceeding fifteen (15) days from any such date (but not later than the date his ration may be used pursuant to § 1394.5503 (h)), surrender to the board his coupon sheets or Delivery Receipts, representing his ration, for reduction pursuant to subparagraph (1) of paragraph (d) of this section, he shall not be required to file the statement on Form OPA R-1133, but shall on the date stated by him surrender his ration to the board for such reduction. No such ration shall be used by the consumer after the date fixed by him for the surrender thereof pursuant to this paragraph except as adjusted by the board after such surrender. During the period of such extension the consumer shall not accept transfers of fuel oil for the operation of such electric generation facilities in excess of the amount needed for such purpose.

(f) The findings and recommendation (as may be modified from time to time) of the Office of War Utilities of the War Production Board shall continue to limit or define the allowable ration, if any, of any such consumer who submitted a statement on Form OPA R-1133, with respect to all applications which he may make for a ration or further ration for the same purpose pursuant to §§ 1394.5551 or 1394.5552. If at the date of application for a further ration, the Office of Price Administration has not received from the Office of War Utilities of the War Production Board its findings and recommendation with respect to any statement on Form OPA R-1133 submitted by the consumer pursuant to paragraph (c) or (d) of this section, the issuing Board shall pass upon the application in the manner provided in § 1394.5402: *Provided*, That any ration which may be granted on such application shall be subject to reduction or modification in accordance with the findings and recommendation of the Office of War Utilities of the War Production Board with respect to any such statement (Form OPA R-1133).

(g) The area referred to in paragraph (a) of this section is the following: the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida (east of the Apalachicola River) and the District of Columbia.

This amendment shall become effective on March 24, 1943.

(Pub. Law 471, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.,

Pub. Law 421, 77th Cong., WPB Directive No. 1, 7 F.R. 562, Supp. Directive No. 1-0, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 19th day of March, 1943

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4273; Filed, March 19, 1943; 2:55 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Ration Order 3, Amendment 43]

SUGAR RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new § 1407.112 is added as set forth below:

Retailers and Wholesalers

§ 1407.112 *Surrender of certain expired stamps and certificates in exchange for certificates or reduction of excess inventory.* (a) A registered retailer or wholesaler may surrender to the board any stamps numbered 1 through 9 or any expired certificates in exchange for which he delivered before March 19, 1943, and within the periods specified in § 1407.141, the quantity of sugar authorized to be delivered by such stamps and certificates. If his excess inventory as adjusted pursuant to § 1407.107 is equal to or greater than the weight value of such surrendered stamps and certificates, the board shall reduce the excess inventory by the weight value of such stamps and certificates. However, if the weight value of such stamps and certificates is greater than his excess inventory as adjusted pursuant to § 1407.107, the board shall cancel the excess inventory and issue to him a certificate in weight value equal to the difference.

(b) Application for such reduction of excess inventory or a Certificate shall be made on OPA Form No. R-315 on or before April 9, 1943. The application shall state facts establishing compliance with the requirements of paragraph (a) of this section and such other information as the board may require. The application shall be accompanied by the stamps and certificates to be surrendered and such stamps shall be pasted on cards as prescribed by § 1407.142.

Effective Date

§ 1407.222 *Effective date of amendments.* * * *

(pp) Amendment No. 48 (§ 1407.112) shall become effective March 25, 1943.

(Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1, and Supp. Dir. No. 1E)

Issued this 19th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4274; Filed, March 19, 1943; 2:55 p. m.]

*Copies may be obtained from the Office of Price Administration.

7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557, 8402, 8655, 8710, 8739, 8809, 8830, 8831, 9042, 9396, 9460, 9899, 10017, 10253, 10556, 10845; 8 F.R. 166, 262, 445, 620, 1023, 1204, 1288, 2026, 2153, 2432, 2433, 2675, 2758.

PART 1499—COMMODITIES AND SERVICES
[Order 345 Under § 1499.3 (b) of GMPR]

LOS ANGELES NUT HOUSE

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1781 *Authorization of maximum prices for sales of "Fruit and Walnut Victory Cubes", a confectionery item, manufactured by the Los Angeles Nut House, a confectionery manufacturer of Los Angeles, California.* (a) On and after the 20th day of March 1943, the Los Angeles Nut House of Los Angeles, California, may manufacture and sell its "Fruit and Walnut Victory Cubes" to the 5 and 10 cent chain and syndicate stores and the 5 and 10 cent chain and syndicate stores may purchase this candy from the Los Angeles Nut House at a price not in excess of 36 cents per pound f. o. b. the Los Angeles Nut House plant.

(b) The Los Angeles Nut House shall maintain its customary discounts and allowances based on this selling price which selling price in no event, shall be higher than specified in the preceding paragraph.

(c) The 5 and 10 cent chain and syndicate stores are hereby authorized to sell "Fruit and Walnut Victory Cubes" at a price not in excess of 15 cents per 1/4 pound or 60 cents per pound.

(d) The Los Angeles Nut House shall mail or otherwise supply to 5 and 10 cent chain and syndicate stores at the time of, or prior to, the first delivery of this candy to such stores, a written notice as follows:

The Office of Price Administration has authorized us to manufacture and sell "Fruit and Walnut Victory Cubes" to the 5 and 10 cent chain and syndicate stores at a price not in excess of 36 cents per pound f. o. b. our Los Angeles, California, plant. You are authorized by the Office of Price Administration to sell this item at a price not in excess of 15 cents per 1/4 pound or 60 cents per pound.

LOS ANGELES NUT HOUSE

(e) This Order No. 345 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 345 (§ 1499.1781) shall become effective March 20, 1943.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4277; Filed, March 19, 1943; 2:53 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 216 Under § 1499.18 (b) of GMPR]

BACHMAN CHOCOLATE MANUFACTURING CO.

Order No. 216 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-2723.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1816 *Adjustment of maximum prices through decrease in weight of "Old Sol Bar" manufactured and sold by*

Bachman Chocolate Manufacturing Company. (a) Bachman Chocolate Manufacturing Company, Mount Joy, Pennsylvania, hereby is authorized to reduce the size and weight of its milk chocolate bar known as "Old Sol Bar" packed 24 bars to the box from 2 ounces to 1 3/4 ounces net per bar and sell such 1 3/4 ounce bar at a maximum price no higher than that established for the 2 ounce bar pursuant to the General Maximum Price Regulation. Authorization to reduce the size of "Old Sol Bar" is given on the specific condition that in reducing the size of this bar, Bachman Chocolate Manufacturing Company shall not change or alter its formula for such bar in any manner.

(b) All wholesalers and retailers who purchase "Old Sol Bar" for resale are hereby permitted to sell said bar in its new weight of 1 3/4 ounces at a price not in excess of the maximum price which they established for the 2 ounce "Old Sol Bar", pursuant to the General Maximum Price Regulation.

(c) All sellers are required to continue the same discounts, allowances, and price differentials as they offered in March, 1942: *Provided, however,* That sellers may change discounts, allowances, and price differentials only if such changes result in prices lower than the maximum price fixed herein.

(d) Bachman Chocolate Manufacturing Company shall mail or cause to be mailed to all persons who purchase "Old Sol Bar" from it for resale, a notice reading as follows:

The Office of Price Administration has authorized us to reduce the weight of our "Old Sol Bar" from 2 ounces to 1 3/4 ounces. This reduction in weight represents only that part of the cost increase which we were unable to absorb, and permission to decrease our weight was granted with the understanding that no increase in price would be made at either the wholesale or the retail level. The Office of Price Administration does, however, authorize you and all other sellers to sell the new 1 3/4 ounce bar at a price which is not in excess of the maximum price you established for the 2 ounce bar pursuant to the General Maximum Price Regulation.

(e) Bachman Chocolate Manufacturing Company shall attach to or place in each smallest box or other packing unit of "Old Sol Bar," a notice as follows:

The weight of our "Old Sol Bar" has been reduced to 1 3/4 ounces. The Office of Price Administration has authorized all retailers to sell this 1 3/4 ounce "Old Sol Bar" for a price not in excess of the maximum price established by each retailer for the 2 ounce "Old Sol Bar", pursuant to the General Maximum Price Regulation.

(f) All prayers of the applicant not granted herein are denied.

(g) This Order No. 216 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 216 (§ 1499.1816) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(i) This Order No. 216 (§ 1499.1816) shall become effective March 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4275; Filed, March 19, 1943; 2:53 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 217 Under § 1499.18 (b) of GMPR]

F. STRAUSS & SON

Order No. 217 under § 1499.18 (b) of the General Maximum Price Regulation—Docket Number 3193-15.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1817 *Adjustment of maximum prices of domestic and imported distilled spirits and wines sold by F. Strauss, C. M. Strauss, Irvin Shlenker, Herman Masur and David S. Sherman, a partnership doing business as F. Strauss & Son, 223 East Markham Street, Little Rock, Arkansas.* (a) F. Strauss, C. M. Strauss, Irvin Shlenker, Herman Masur and David S. Sherman, a partnership doing business as F. Strauss & Son, 223 East Markham Street, Little Rock, Arkansas (hereinafter referred to as F. Strauss & Son) may sell and deliver imported and domestic distilled spirits and wines without granting, and any person may buy and receive such commodities from F. Strauss & Son without receiving discounts as follows:

For purchases in any one month amounting to:	Discount
\$250.....	2%
350.....	3%
450.....	4%
550.....	5%
750.....	6%
1,250.....	7%

(b) F. Strauss & Son shall not otherwise change its maximum prices or its customary allowances, discounts or other price differentials unless such change shall result in a lower selling price.

(c) Before or at the time of making each initial sale of domestic or imported distilled spirits or wine after the effective date of this order to a purchaser heretofore entitled to receive the discounts set forth in paragraph (a), F. Strauss & Son shall notify such purchaser in writing as follows:

The Office of Price Administration has permitted us to raise our maximum prices for sales of imported and domestic distilled spirits and wines by discontinuing the following discount plan on purchases from us:

For purchases in any one month amounting to:	Discount
\$250.....	2%
350.....	3%
450.....	4%
550.....	5%
750.....	6%
1,250.....	7%

This permission was granted to us with the understanding that ceiling prices of purchasers from us would not be raised. The Office of Price Administration has not permitted you or any other seller of imported

or domestic distilled spirits or wine to raise his prices because of discontinuance of these discounts. OPA requires you to keep this notice for examination.

(d) All prayers of the petition, whether prayers of F. Strauss & Son, or of joint petitioners D. B. Hamilton doing business as United Liquors, 609 West Markham Street, Little Rock, Arkansas, Harry L. Hastings, Marre Sherry Hastings and Trustees for Harry L. Hastings, Jr., a partnership doing business as Moon Distributing Company, 715 East Markham Street, Little Rock, Arkansas, and Dan and F. Silbernagel, a partnership doing business as Silbernagel & Company, 300 Ferry Street, Little Rock, Arkansas, not granted herein are denied.

(e) This Order No. 217 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 217 (§ 1499.1817) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 217 (§ 1499.1817) shall become effective March 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4276; Filed, March 19, 1943;
2:54 p. m.]

PART 1305—ADMINISTRATION

[Supplementary Order 38, as Amended]

ACCOMMODATION SALES OF SERVICE

A statement of the considerations involved in the issuance of Supplementary Order No. 38, as amended, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1305.51 is hereby amended to read as set forth below:

§ 1305.51 *Accommodation sales of service.* (a) Any seller of services, other than a seller at retail, who in March 1942 had a fixed practice of making accommodation sales of service is hereby authorized to charge, and any person, other than a purchaser at retail, is hereby authorized to pay rates, charges, fees and compensation at an amount not exceeding the aggregate of the cost of direct labor at legally permitted wage rates and materials at actual cost to the seller or at the ceiling price thereof, whichever is lower, for the service sold or supplied.

(b) As used in this supplementary order, "accommodation sales of service" means a sale made, other than at retail, for the convenience or benefit of the purchaser at the aggregate of the cost of direct labor at legally permitted wage rates and materials at actual cost to the seller or at the ceiling price thereof, whichever is lower. It does not include a service rendered without charge, or for less than such costs, or in connection

with the sale of any other service or commodity other than an accommodation sale. It does not include sales by co-operatives, non-profit or other organizations, which make sales initially above cost, but later give refunds, bonuses, dividends or other allowances to purchasers.

(c) As used in this supplementary order, "seller at retail" means one who sells to an ultimate consumer other than an industrial or commercial user. Sales to farmers shall be considered sales at retail.

(d) This Supplementary Order No. 38, as amended (§ 1305.51) shall become effective as of March 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4297; Filed, March 19, 1943;
4:50 p. m.]

PART 1340—FUELS

[Rev. MPR 122, Amendment 2]

SOLID FUELS SOLD AND DELIVERED BY DEALERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 122 is amended in the following respects:

1. Section 1340.256 (a) (1) is amended by deleting the phrase "his handling and storage charges in effect during December 15-31, 1941, but not to exceed".

2. In § 1340.256, the text after the headnote of paragraph (c) is designated subparagraph (1) and new subparagraph (2) is added to read as follows:

(c) *Lake cargo coal.* * * *

(2) Notwithstanding the provisions of the preceding paragraph (c) (1), the maximum price of solid fuel received during 1943 via water transportation facilities at, and sold from, a dock located on the United States bank of Lake Superior or on that part of the west bank of Lake Michigan north of the Illinois-Wisconsin State line shall be a price for like sales calculated by Rule 1A of § 1340.254, plus:

(i) In the case of bituminous coal prepared at the dock as double-screened or lump sizes, the amount specified for the solid fuels following:

From mines in Districts Nos.:

1, 2, 3, 4 or 6.....	\$.55
7 or 8: low volatile.....	1.10
7 or 8: high volatile.....	.80

(ii) In the case of bituminous coal in all other sizes, the increase in the supplier's maximum price for each size of such coal over the weighted average price charged the dealer for the same fuel received via water transportation facilities during 1942.

(iii) In the case of Pennsylvania anthracite, the amount specified for the sizes following:

Size:	
Egg, stove and nut.....	\$0.55
Pea.....	.50
Buckwheat and rice.....	.45
Barley.....	.35
Sizes smaller than barley.....	.30

3. Section 1340.255 (a) (3) is amended by inserting after the phrase "for the purposes of this regulation" the phrase "to the extent the supplier's maximum prices for such sizes do not exceed \$7.30 per net ton".

4. Section 1340.259 (a) (5) and the following first two undesignated subparagraphs are revoked.

5. Section 1340.266 (a) (10) and (11) are added to read as follows:

(10) "Weighted average price" is that price obtained by dividing the total amount charged for a size, kind and quality of solid fuel by the total tonnage of the same fuel received or delivered, as the case may be, during the applicable period specified by this regulation.

(11) "District No." refers to the producing districts delineated and numbered by the Bituminous Coal Act of 1937, as amended.

This amendment shall become effective March 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4295; Filed, March 19, 1943;
4:53 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[RPS 32, Amendment 3]

PAPERBOARD SOLD EAST OF THE ROCKY MOUNTAINS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1347.58a is added to read as follows:

§ 1347.58a *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery.

This amendment shall become effective March 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4296; Filed, March 19, 1943;
4:53 p. m.]

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 440, 1200.

² 7 F.R. 1264, 2000, 2132, 2740, 3182, 8948.

PART 1499—COMMODITIES AND SERVICES
[Rev. Order 185, Under § 1499.3 (b) of
GMPR]

AIROBE COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register,* *It is hereby ordered:*

That Order No. 185 under § 1499.3 (b) of the General Maximum Price Regulation is revised and amended to read as follows:

§ 1499.1421 *Approval of maximum prices for sales of "Airobe".* (a) On and after December 16, 1942, Airobe Company of New York, New York may sell and deliver, and agree, offer, solicit and attempt to sell and deliver the special blanket made of cellulose and cloth described in subparagraph (1) at prices not in excess of those stated therein, and on and after March 19, 1943, may similarly sell and deliver, and agree, offer, solicit and attempt to sell and deliver the special blankets made of cellulose and cloth described in subparagraphs (2) (3) and (4) at prices not in excess of those stated therein:

(1) "Airobe", a cellulose fibre blanket consisting of ten or more layers of paper, three layers of yarn, having a cloth binding, weight approximately two and one-quarter pounds, size 68 inches by 80 inches, \$1.25 each, all transportation charges on orders in excess of \$50.00 to be absorbed by the seller.

(2) "Airobe", a cellulose fibre blanket consisting of six layers of paper and yarn, summer weight of approximately one and one-half pounds, having a cloth binding, size 68 inches by 80 inches, \$1.00 each, all transportation charges on orders in excess of \$50.00 to be absorbed by the seller.

(3) "Airobe", a cellulose fibre blanket consisting of four layers of paper and yarn, summer weight of approximately one pound, having a cloth binding, size 68 inches by 80 inches, \$.85 each, all transportation charges on orders in excess of \$50.00 to be absorbed by the seller.

(4) "Airobe", a cellulose fibre blanket consisting of eight layers of paper and yarn, summer weight of approximately one pound, having a cloth binding, baby blanket size 40 inches by 60 inches, \$.68 each, all transportation charges on order in excess of \$50.00 to be absorbed by the seller.

(b) On and after December 16, 1942, every establishment selling the special blanket described in subparagraph (1) at retail may sell and deliver and agree, offer, solicit and attempt to sell and deliver the aforesaid special blanket at prices not in excess of those stated therein, and on and after March 19, 1943, every establishment selling the special blankets described in subparagraphs (2) (3) and (4) at retail may similarly sell and deliver and agree, offer, solicit and attempt to sell and deliver the aforesaid special blankets at prices not in excess of those stated therein:

(1) "Airobe", a cellulose fibre blanket consisting of ten or more layers of paper, three layers of yarn, having a cloth binding, weight approximately two and one-quarter pounds, size 68 inches by 80 inches, \$2.00 each.

(2) "Airobe", a cellulose fibre blanket consisting of six layers of paper and yarn, summer weight of approximately one and one-half pounds, having a cloth binding, size 68 inches by 80 inches, \$1.36 each.

(3) "Airobe", a cellulose fibre blanket consisting of four layers of paper and yarn, summer weight of approximately one pound, having a cloth binding, size 68 inches by 80 inches, \$1.36 each.

(4) "Airobe", a cellulose fibre blanket consisting of eight layers of paper and yarn, summer weight of approximately one pound, having a cloth binding, baby blanket size 40 inches by 60 inches, \$1.09 each.

(c) *Retail price labels.* Before the delivery of any "Airobe" blankets, the manufacturer must attach securely to each blanket so that it is clearly visible, a tag or label, containing in easily readable lettering, the following appropriate statement in this form:

Retail ceiling price, 13 or more layers, 68" x 80" wt. (approximately 2½ pounds)-----	\$2.00
Retail ceiling price, 6 layers, 68" x 80" summer wt. (approximately 1½ pounds)-----	1.60
Retail ceiling price, 4 layers, 68" x 80" summer wt. (approximately 1 pound)-----	1.36
Retail ceiling price, 8 layers, baby blanket size 40" x 60" wt. (approximately 1 pound)-----	1.09

This may not be removed until after delivery to the consumer.

(d) *Notification.* Anyone who delivers "Airobe" blankets for the purpose of reselling shall notify the purchaser as follows:

The Office of Price Administration has established a retail ceiling price of \$2.00 on "Airobe" thirteen or more layer blankets, of \$1.60 on "Airobe" six-layer summer weight blankets, of \$1.36 on "Airobe" four-layer summer weight blankets, and of \$1.09 on the "Airobe" four-layer summer weight blankets, and of \$1.09 on the "Airobe" eight-layer baby blankets. The blankets are so labeled with this price, and you are not permitted to remove this label.

(e) *Transportation charges.* All transportation charges on orders combining any of the aforementioned commodities in excess of \$50.00 shall be absorbed by the seller.

(f) The maximum selling prices set forth shall be subject to adjustment at any time by the Office of Price Administration. The manufacturing cost for the thirteen or more layer "Airobe" blanket covering the period from the inception of manufacturing operations to March 19, 1943, shall be submitted to the Office of Price Administration within 21 days from such date, also profit and loss: statements and balance sheets for the same period, and a list or retail selling prices for such blanket established by leading retail stores during the same period. Within 21 days after concluding three months

manufacturing operations on the six-layer summer weight blanket, the four-layer summer weight blanket, and the eight-layer baby blanket, the Airobe Company shall likewise submit to the Office of Price Administration manufacturing costs on such products for such three-month period, profit and loss statements, and balance sheets for the same period, and also a list of retail selling prices for such blankets established by leading retail stores during such period.

(g) This Revised Order No. 185 may be revoked or amended by the Office of Price Administration at any time.

This revised order shall become effective March 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4294; Filed, March 19, 1943; 4:53 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 342 Under § 1499.3 (b) of GMPR]

INSL-X COMPANY, INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1778 *Approval of maximum prices for No. 85 Modified Alkyd Synthetic Lacquer.* (a) On and after March 20, 1943 Insl-X Company, Incorporated of 857 Meeker Avenue, Brooklyn, New York, may sell and deliver an arc resistant compound known as No. 85 Modified Alkyd Synthetic Lacquer, and any person may buy No. 85 Modified Alkyd Synthetic Lacquer at prices not in excess of those hereinafter set forth:

	Per gallon
100 gallons or over-----	\$3.60
50 to 100 gallons-----	4.05
1 to 50 gallons-----	4.50

(b) The above maximum prices are f. o. b. factory with a discount of one per cent for payment within ten days; net thirty days.

(c) This Order No. 342 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 342 (§ 1499.1778) shall become effective March 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4298; Filed, March 19, 1943; 4:50 p. m.]

PART 1305—ADMINISTRATION
[Supplementary Order 39]

LICENSING SELLERS OF CONTAINERS, AND OF
SERVICES RELATING THERETO

A statement of the reasons for this supplementary order has been issued si-

*Copies may be obtained from the Office of Price Administration.

7 F.R. 10584.

multaneously herewith and filed with the Division of the Federal Register.*

Pursuant to the authority of the Emergency Price Control Act of 1942, including section 205 (f) (2) thereof, it is hereby ordered:

§1305.52 *Licensing sellers of containers, and of services relating thereto*—(a) *License required.* A license as a condition of selling is required of every person selling any container or any service relating thereto for which a maximum price is established by Maximum Price Regulations Nos. 117, 186, 195, or 320,¹ as now or hereafter amended or supplemented, or by any other price regulation now or hereafter issued or amended which makes applicable by reference the provisions of this supplementary order.

(b) *License granted.* Every person selling any container or any service relating thereto for which a maximum price is established by Maximum Price Regulations Nos. 117, 186, 195 or 320, as now or hereafter amended or supplemented, or by any other price regulation now or hereafter issued or amended making applicable by reference the provisions of this supplementary order, is hereby granted a license as a condition of selling such containers and services. The provisions of every regulation of the Office of Price Administration to which this order now is or may hereafter become applicable shall be deemed to be incorporated in the license hereby granted, and any violation of any provisions so incorporated shall be a violation of the provisions of said license. The license granted by this order shall become effective upon the effective date of this order, or when any person becomes subject to the provisions of this order, and shall, unless suspended as provided in the Emergency Price Control Act of 1942, continue in force so long as and to the extent that any such regulation or any applicable part, amendment or supplement thereof, remains in effect.

(c) *Registration and licensing provisions of General Maximum Price Regulation superseded.* This supplementary order supersedes the registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation² insofar as said sections may be applicable to persons making sales for which a license is required by this order.

*Copies may be obtained from the Office of Price Administration.

¹ Maximum Price Regulation No. 117, Used Egg Cases and Used Component Parts, 7 F.R. 4586, 8707, 8948.

Maximum Price Regulation No. 186, Western Wooden Agricultural Containers, 7 F.R. 6968, 7364, 7966, 8948, 10779; 8 F.R. 1591.

Maximum Price Regulation No. 195, Industrial Wooden Boxes, 7 F.R. 8945, 9393.

Maximum Price Regulation No. 320, Eastern and Central Wooden Agricultural Containers, 8 F.R. 1885.

² 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6939, 6794, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371, 1204, 1317, 2029, 2110, 2346.

No. 57—8

(d) *Registration of licensees.* Every seller hereby licensed may be required to register with the Office of Price Administration at such time and in such manner as the Administrator may hereafter by regulation prescribe.

(e) *Suspension of license.* Licensees violating any of the provisions of this order or of the license hereby granted or violating any of the provisions of the price regulations specified in paragraph (a) hereof, or violating the provisions of any applicable regulation, order or requirement under Section 202 (b) of the Emergency Price Control Act of 1942, are subject to the license suspension proceedings provided for in said Act. No person whose license is suspended in proceedings under Section 205 (f) (2) of the Act shall, during the period of suspension, sell any container or service as to which his license to sell is suspended. No proceeding for the suspension of a license, and no suspension, shall confer any immunity from any other provision of the Act.

(f) *Definitions.* When used in this supplementary order the terms:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor, agency, or representative of any of the foregoing.

(2) "Price regulation" means a price schedule effective in accordance with the provisions of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration, or any order issued pursuant to any such regulation or schedule.

(3) "Act" means the Emergency Price Control Act of 1942, as amended.

This supplementary order shall become effective March 26, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 20th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4319; Filed, March 20, 1943;
11:14 a. m.]

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

[MPR 33,¹ Amendment 3]

CARDED COTTON YARNS AND THE PROCESSING THEREOF

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1307.63, paragraphs (d) and (e) are amended and a new paragraph (f) is added, in paragraph (a) of § 1307.64, subparagraphs (2) and (7) are amended, in § 1307.67, subparagraph (5) of paragraph (c) is amended, subparagraph (7) of paragraph (c) is deleted and a new paragraph (j) is added as set forth below:

¹ 7 F.R. 7557, 8948, 10070, 8 F.R. 2345.

§ 1307.63 *Exempt sales.* The provisions of this Maximum Price Regulation No. 33 shall not apply to:

(d) Sales of dyed carded cotton yarns or the charges for the dyeing of carded cotton yarns;

(e) Sales of yarns composed of cotton blended or in combination with other fibers; and

(f) Sales of thread, meaning any product which is concerted² from one or more carded cotton yarns, braided or twisted together, and which is used predominantly for sewing, darning, crocheting, tatting, embroidering or handknitting. This exclusion of thread shall in no event be construed to exclude from this Maximum Price Regulation No. 33 any of the types of yarns specifically listed in the definition of carded cotton yarn set forth in the following section.

§ 1307.64 *Definitions of terms used.* (a) When used in this Maximum Price Regulation No. 33, the term:

(2) "Carded cotton yarn" means grey or processed yarns which are (i) composed of cotton, (ii) spun on the cotton system and (iii) not subjected to combing in the preparatory processes. This term shall include such products, when made of carded cotton yarn, as sewing twine, bag twine, bag closing twine, broom twine, tufting twine, wrapping twine and twine.

(7) "Thread yarn" means carded cotton yarns sold to a producer or converter for use solely in the production of thread;

§ 1307.67 *Appendix B: Maximum prices for greige carded cotton yarns other than base-grade.*

(c) *Premium for put-ups.*

(5) *Warps.* Slashed warp on loom beams..... 2.0

(j) *Premiums for thread yarn.* The maximum price for carded yarn produced solely for ultimate use as thread shall be the applicable maximum price for the yarn plus an amount equal to 6% of such price. No such premium may be charged unless the seller receives and maintains for inspection by the Office of Price Administration a statement from the purchaser that the yarn is to be used solely in the manufacture or processing of the yarn into thread.³

§ 1307.65a. *Effective dates of amendments.*

² This exclusion shall not be construed to exempt from Maximum Price Regulation No. 33 sales of yarn of any twist by the spinner or his agent for use as thread when no converting operations have been performed.

³ A premium may be charged under this paragraph only when the carded yarn is produced for one of the ultimate uses set forth in the definition of thread in § 1307.63 (f). This premium may not be charged by a producer for the sale of any yarn which is used for such purposes as sewing twine, bag twine, bag closing twine, broom twine, tufting twine, wrapping twine and twine.

(c) Amendment No. 3 (§§ 1307.63 (d), (e) and (f), 1307.64 (a) (2) and (7) and 1307.67 (c) (5) and (j)) to Maximum Price Regulation No. 33 shall become effective March 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4320; Filed, March 20, 1943; 11:16 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 268, Amendment 5]

SALES OF CERTAIN PERISHABLE FOOD COMMODITIES AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 268 is amended in the following respects:

1. Section 1351.1103a (d) is added to read as follows:

(d) *Butter*—(1) *When sold by a retail store owned or operated by a creamery.* The "net cost" to be used by a retail store owned or operated by a creamery and physically separated from the premises of the creamery in calculating a maximum price for any particular score, grade and form of butter which it receives from the creamery and which is manufactured by the creamery shall be that maximum price established under Maximum Price Regulation No. 289² for sales by the creamery of that particular score, grade and form of butter sold to a wholesaler delivered to the city, town, village or hamlet in which the retail store pricing hereunder is located.

(2) *When sold by a retailer who prints.* When a retailer packages and prints butter he shall calculate a maximum price per pound for each resulting type of print and package and score or grade of butter. In calculating his maximum price for butter of any particular score in a print or package he shall use as his "net cost" that maximum price established under Maximum Price Regulation No. 289 which would apply to sales of that particular score or grade of butter in such print or package to a wholesaler delivered to the city, town, village or hamlet in which the customary receiving point of the retailer pricing hereunder is located. When a retailer performs the printing and packaging functions in a butter print division apart from his warehouse or individual store and then delivers the printed or packaged butter to his warehouse, the warehouse shall be considered his customary receiving point, and when it is delivered directly from the butter print division to his store, the store shall be considered his customary receiving point.

(3) *Limitation on "net cost" when purchased f. o. b. seller's shipping point.*

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 9184; 8 F.R. 322, 1747, 2483, 2664.

² 7 F.R. 10996; 8 F.R. 490, 145, 1885, 1972.

When a retailer purchases butter f. o. b. seller's shipping point, in no case shall "net cost" exceed the maximum price established under Maximum Price Regulation No. 289 for sales to him of that particular grade or score and form of butter delivered to his customary receiving point.

2. Section 1351.1103b (b) is added to read as follows:

(b) *Additional charges allowed for slaughtering and plucking poultry*—(1) *Additional charges allowed retailers.* A retailer may add to his maximum price otherwise established by this regulation the following:

(i) 10c for a bird killed in accordance with the Hebraic dietary laws, if such killing was done by his employee or an agent or contractor engaged and paid by him.

(ii) 10c for plucking a bird which the retailer buys live and sells live or buys "kosher-killed" and sells "kosher-killed," if such plucking is done by his employee or an agent or contractor engaged and paid by him.

(2) *Service charges by persons other than retailers.* No person shall charge a consumer more than 10c for killing a bird in accordance with the Hebraic dietary laws and no person shall charge

more than 10c for plucking such a bird in accordance with the Hebraic dietary laws. No charges under this sub-paragraph are allowed if the retailer collects a sum listed in sub-paragraph (1) above from the consumer for the same service.

Section 1351.1108 is amended to read as follows:

§ 1351.1108 *Fractions of cents.* Any calculation of a maximum price for a designated unit of sale or for a greater quantity as provided in § 1351.1104 which results in a fraction of a cent shall be reduced to the nearest lower cent if the fraction is less than one-half cent and shall be increased to the nearest higher cent if the fraction is one-half cent or more. Any calculation of a maximum price for a quantity less than a designated unit of sale as provided in § 1351.1104 which results in a fraction of a cent shall be increased to the nearest higher cent.

4. Items 3 and 5 in the table of § 1351.1116 (a) are amended to read as follows:

(a) Maximum prices for any transactions after the effective date of this regulation must be calculated on the basis established in this regulation and a retailer will have a new maximum price whenever his "net cost" increases or decreases.

Food commodity	Day of the week on which retailer must calculate maximum prices	Figures to be multiplied by net cost of item in determining maximum prices under this regulation					Unit of sale for which base maximum selling price must be calculated
		Independent retailer with annual volume			Class 4 Chain retailer with annual volume under \$250,000	Class 5 Any retailer (chain or independent) with annual volume of \$250,000 or more	
		Class 1 under \$20,000	Class 2 \$20,000 but less than \$50,000	Class 3 \$50,000 but less than \$250,000			
3. All poultry bought dressed and sold dressed, bought drawn and sold drawn, bought "kosher-killed" and sold "kosher-killed", bought "kosher-dressed-and-plucked" and sold "kosher-dressed-and-plucked", bought split and sold split, or bought cut-up and sold cut-up (boxed and other pack).	Thursday-----	1.20	1.20	1.20	1.18	1.18	Pounds 1
5. All poultry bought live and sold on a dressed weight basis, including poultry bought live and sold "kosher-dressed-and-plucked", (multiply live cost per pound by applicable figure in table. This establishes selling price per dressed weight pound).	Thursday-----	1.38	1.38	1.38	1.36	1.36	1

5. Section 1351.1116 (c) (3) is amended to read as follows:

(3) "Poultry" means all live, dressed, kosher-killed, "kosher-dressed-and-plucked", split, cut-up, drawn, and eviscerated broilers, fryers, roasters—light, medium and heavy, fowl—light, medium and heavy, capons—light and heavy, stag—light and heavy, old roosters—light and heavy, geese, guineas, squabs, pigeons, young turkeys—light, medium and heavy, old turkeys—light, medium and heavy, and all other forms of poultry sold for human consumption, excluding such day-old or started birds as are sold for development to market-

able size or such birds as are sold for breeding purposes.

Poultry sold by the retailer drawn or eviscerated must be sold on a dressed weight basis applying the margin for items 3 or 5 above depending on whether the poultry was purchased live or dressed. No extra charge may be added for drawing or eviscerating. No price may be quoted for poultry on a drawn or eviscerated basis except where poultry is purchased by the retailer quick-frozen or eviscerated or drawn. When poultry is bought live, dressed or drawn and is sold split or cut-up, the aggregate price received through the sale of the cut-up

parts of any bird shall not exceed the amount which could be received through the sale of the whole bird on a live weight basis if bought live, or on a dressed weight basis if bought dressed, or on a drawn weight basis if bought drawn, and no additional charges may be made.

6. Section 1351.1116 (c) (8) is amended by inserting after the sentence "Eggs shall be sold at retail only in retail grades," the sentence "All cartons in which eggs are sold at retail shall be clearly marked with the grade and size or weight class of the eggs contained therein."

This amendment shall become effective March 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4321; Filed, March 20, 1943;
11:16 a. m.]

PART 1370—ELECTRICAL APPLIANCES

[MPR 294, Amendment 1]

USED HOUSEHOLD VACUUM CLEANERS AND ATTACHMENTS FOR HOUSEHOLD VACUUM CLEANERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 294 is amended in the following respects:

1. Section 1370.71a is amended by correcting reference to § 1370.83 to read § 1370.85.

2. Section 1370.73 (b) (8) is added to read as follows:

(8) The maximum price may not be increased because of re-plating, polishing or buffing the cleaner or any of its parts.

3. Section 1370.76 is amended by the addition of the following sentence: "Every factory rebuilt cleaner must be identified by a statement by the manufacturer, which shall be delivered to the purchaser at the time of sale, showing that such cleaner was rebuilt at the factory of the company originally manufacturing such cleaner."

4. Section 1370.77 is amended by inserting after the word "guarantee", the last word in the paragraph, the phrase "or with any guarantee other than that provided for in this regulation."

5. Section 1370.78 (a) (6) is amended to read as follows:

(6) In case excessive mechanical noise, vibration or other evidence of wear is attributable to defective motor bearings, the bearings shall have been replaced.

6. Section 1370.78 (a) (12) is amended to read as follows:

(12) Electric insulation—all cleaners shall have been subjected to a standard test for short circuits and shock hazards.

*Copies may be obtained from the Office of Price Administration.

18 F.R. 139.

7. Section 1370.78 (a) (13) is amended to read as follows:

(13) The vacuum cleaner cord shall have no breaks over its entire length. It shall be at least eighteen feet long, type SV National Board of Fire Underwriters approved vacuum cleaner cord or its equivalent.

8. Section 1370.79 (a) (3) is amended to read as follows:

(3) "Attachments" means all supplementary devices, new or used, which may be combined with the cleaner to increase the number of its functions and improve its efficiency, except those for which maximum prices are established by Maximum Price Regulation No. 111.

9. Section 1370.79 (a) (9) is added to read as follows:

(9) "Sale at wholesale" means a sale to any person other than an ultimate user or his agent.

10. Section 1370.79 (a) (10) is added to read as follows:

(10) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or any representative of any of the foregoing and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of the foregoing.

11. Section 1370.79 (a) (11) is added to read as follows:

(11) "Private-brand" means a vacuum cleaner not originally offered for sale at retail under the manufacturer's own brand name.

12. Section 1370.85 (b) is amended to read as follows:

(b) Attachment sets. The maximum price for the sale at retail of attachment sets (except where any price in paragraph (f) of this section includes attachment sets) shall be as follows:

1. Standard attachment sets..... \$5.50
2. Deluxe attachment sets..... 8.50
3. The maximum price for a tank cleaner may be increased no more than \$3.00 when sold with a set of deluxe attachments.

13. Section 1370.85 (d) is amended to read as follows:

(d) The maximum price for the sale at wholesale of a rebuilt used household vacuum cleaner or set of attachments is 62% of the maximum price at retail.

14. Section 1370.85 (e) is re-designated as § 1370.85 (f).

15. Section 1370.85 (f) is re-designated as § 1370.85 (g).

16. A new § 1370.85 (e) is added to read as follows:

(e) The maximum "as is" or "rebuilt" price of any private-brand cleaner not specifically listed in this section shall be the maximum price allowed for the same model or type cleaner produced by the same manufacturer under his own name.

17. The new § 1370.85 (f) is amended by deleting from this paragraph, the vacuum cleaners known as Filter Queen and Healthmore, and the Bee-Vac Birtman, Cadillac-Clements, and Universal hand cleaners.

18. The new § 1370.85 (f) is amended by deleting from this paragraph, General Electric Model 69, and Singer Model R-5.

19. The new § 1370.85 (f) is amended by inserting the maximum wholesale "as is" price for the models of Hoover cleaners rebuilt by the Hoover company as follows:

Model:	Maximum wholesale "as is" price
105.....	\$3.50
541.....	5.00
543.....	7.50
700.....	10.00
425.....	8.50
300.....	13.50
750.....	13.50
450.....	12.00
475.....	13.50
900.....	16.00
800.....	15.00
825.....	17.00

20. The new § 1370.85 (f) is amended by changing the price of "all straight suction floor cleaners other than those listed" from the "as is" price of 75 cents to a price of \$1.00; and the maximum retail price rebuilt and guaranteed, from \$7.00 to \$12.00.

21. The new § 1370.85 (f) is amended by changing the price of "all straight suction hand cleaners other than those listed" from the "as is" price of 75 cents to a price of \$1.00; and the maximum retail price rebuilt and guaranteed, from \$6.50 to \$8.00.

22. The new § 1370.85 (f) is amended by changing the price of "all motor driven brush floor cleaners other than those listed" from the "as is" price of \$1.50 to a price of \$2.50; and the maximum retail price rebuilt and guaranteed, from \$14.00 to \$16.50.

23. The new § 1370.85 (f) is amended by the addition of the following models of vacuum cleaners to be inserted in alphabetical order:

Trade name and model or other description	Maximum wholesale price "as is"	Maximum retail price, rebuilt and guaranteed
Airway: Hand cleaners.....	\$2.00	\$10.00
Bee-Vac Birtman:		
Hand cleaner, straight suction.....	1.00	8.00
Hand cleaner, motor driven brush.....	2.00	10.00
Cadillac-Clements:		
Hand cleaner, straight suction.....	1.00	8.00
Hand cleaner, motor driven brush.....	2.00	10.00
Deleo:		
Floor cleaner, straight suction.....	1.00	12.00
Floor cleaner, motor driven brush.....	3.00	18.00
Eureka:		
G.....	8.00	28.00
G30.....	7.00	26.00
Filter Queen.....	20.00	61.00
General Electric: 69.....	2.50	15.00
Healthmore:		
120.....	10.00	32.00
C68.....	6.00	24.00
Magnetic: Built in Headlight.....	6.00	24.00
Ohio:		
4.....	1.00	12.00
5.....	2.50	15.00
6.....	3.50	17.50
Premier: Master.....	4.50	21.00
Royal: Purifier.....	4.00	20.00
Singer: R5.....	13.50	37.50
Universal:		
Hand cleaner, motor driven brush.....	2.00	10.00
Hand cleaner, straight suction.....	1.00	8.00
Hoover Cleaners—Rebuilt by The Hoover Company:		
25.....	17.00	49.75
150.....	18.00	60.25
925.....	17.00	67.25

Premier vacuum—Rebuilt by Electric Vacuum Cleaner Company:	
8.....	36.75
9.....	40.75
20.....	38.75
30.....	38.75
37.....	29.50
40.....	34.75
47.....	34.75
48.....	34.75
53 (steel handle).....	29.50
98 Jr.....	21.25
99.....	29.50
107.....	33.75
109.....	33.75
154.....	38.75
155.....	33.75
74.....	20.25

These prices apply only to cleaners rebuilt by the Electric Vacuum Cleaner Company on or before January 7th, 1943. If a Premier cleaner is to be sold by any wholesaler or retailer as a factory rebuilt, the cleaners shall bear a tag, supplied by the Electric Vacuum Cleaner Company, stating that it was rebuilt by the Electric Vacuum Cleaner Company prior to January 7, 1943.

Hoover attachments:	Maximum retail price
5002.....	\$8.95
5003.....	8.95
5410.....	8.95

This amendment shall become effective March 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4322; Filed, March 20, 1943;
11:15 a. m.]

PART 1377—WOODEN CONTAINERS

[MPR 117,¹ Amendment 3]

USED EGG CASES AND USED COMPONENT PARTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1377.16a is revoked and a new § 1377.16a is added to read as set forth below:

§ 1377.16a *Registration and licensing.* The provisions of Supplementary Order No. 39, licensing sellers of containers and of services relating thereto are applicable to every person subject to this regulation. This order provides, in brief, that a license is necessary to make sales of the containers or to provide the service for which maximum prices are established by this and other maximum price regulations. A license is automatically granted to all persons making these sales. It is not necessary to apply for the license but a registration of all sellers may later be required. The license may be suspended for violations in connection with the sale of any commodity which the seller is licensed to sell and no person

whose license is suspended may sell any of such commodities during the period of suspension.

Amendment No. 3 to Maximum Price Regulation No. 117 shall become effective March 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4323; Filed, March 20, 1943;
11:15 a. m.]

PART 1377—WOODEN CONTAINERS

[Rev. MPR 186,¹ Amendment 1]

WESTERN WOODEN AGRICULTURAL CONTAINERS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1377.110 is revoked and a new § 1377.110 is added to read as set forth below:

§ 1377.110 *Registration and licensing.* The provisions of Supplementary Order No. 39, licensing sellers of containers and of services relating thereto are applicable to every person subject to this regulation. This order provides, in brief, that a license is necessary to make sales of the containers or to provide the services for which maximum prices are established by this and other maximum price regulations. A license is automatically granted to all persons making these sales. It is not necessary to apply for the license but a registration of all sellers may later be required. The license may be suspended for violations in connection with the sale of any commodity which the seller is licensed to sell and no person whose license is suspended may sell any of such commodities during the period of suspension.

Amendment No. 1 to Revised Maximum Price Regulation No. 186 shall become effective March 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4324; Filed, March 20, 1943;
11:15 a. m.]

PART 1377—WOODEN CONTAINERS

[Rev. MPR 195,² Amendment 1]

INDUSTRIAL WOODEN BOXES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1377.164 (a) is amended and a new § 1377.164a is added to read as set forth below:

¹ 7 F.R. 5776, 6968, 7364, 7966, 8948, 10779, 8 F.R. 1591.

² 7 F.R. 8945, 9393.

§ 1377.164 *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942.

§ 1377.164a *Registration and licensing.* The provisions of Supplementary Order No. 39, licensing sellers of containers and of services relating thereto are applicable to every person subject to this regulation. This order provides, in brief, that a license is necessary to make sales of the containers or to provide the services for which maximum prices are established by this and other maximum price regulations. A license is automatically granted to all persons making these sales. It is not necessary to apply for the license but a registration of all sellers may later be required. The license may be suspended for violations in connection with the sale of any commodity which the seller is licensed to sell and no person whose license is suspended may sell any of such commodities during the period of suspension.

Amendment No. 1 to Revised Maximum Price Regulation No. 195 shall become effective March 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4325; Filed, March 20, 1943;
11:15 a. m.]

PART 1377—WOODEN CONTAINERS

[MPR 320,³ Amendment 1]

EASTERN AND CENTRAL WOODEN AGRICULTURAL CONTAINERS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1377.213 (a) is amended and a new § 1377.213a is added to read as set forth below:

§ 1377.213 *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942.

§ 1377.213a *Registration and licensing.* The provisions of Supplementary Order No. 39, licensing sellers of containers and of services relating thereto are applicable to every person subject to this regulation. This order provides, in brief, that a license is necessary to make sales of the containers or to provide the services for which maximum prices are established by this and other maximum price regulations. A license is automatically granted to all persons making these sales. It is not necessary to apply for

³ 8 F.R. 1885.

* Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 2998, 4586, 8707, 8948.

the license but a registration of all sellers may later be required. The license may be suspended for violations in connection with the sale of any commodity which the seller is licensed to sell and no person whose license is suspended may sell any of such commodities during the period of suspension.

Amendment No. 1 to Maximum Price Regulation No. 321 shall become effective March 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4326; Filed, March 20, 1943;
11:15 a. m.]

PART 1382—HARDWOOD LUMBER

[Rev. MPR 97, Amendment 1]

SOUTHERN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (26) of § 1382.112 (b) is amended to read as set forth below:

§ 1382.112 Appendix A: Maximum prices for Southern hardwood lumber in standard or near-standard grades. * * *

(b) * * *
(26) Sycamore—Plain

Thickness (inch)	FAS	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
¾	\$42.00	\$32.00	\$21.00	-----
¾	42.00	32.00	21.00	-----
1	47.00	37.00	24.00	\$16.00
1½	49.00	39.00	26.00	17.00
1½	51.00	41.00	26.00	17.00
2	55.00	44.00	26.00	18.00

This amendment shall become effective March 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4327; Filed, March 20, 1943;
11:15 a. m.]

PART 1382—HARDWOOD LUMBER

[Rev. MPR 97, Amendment 2]

SOUTHERN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with this Division of the Federal Register.*

Maximum Price Regulation No. 97 is amended in the following respect:

1. Section 1382.112 (b) (1) (i) is amended by inserting after the words

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 142.

"Lamson Lumber Company, Incorporated, New Orleans, Louisiana," the words "Dixie Lumber Company, Charleston, South Carolina. Maurice W. Grundy, 8201 Fig Street, New Orleans, Louisiana."

This amendment shall become effective March 26, 1943.

(Public Laws 421 and 729, 77th Congress; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4328; Filed, March 20, 1943;
11:15 a. m.]

PART 1438—NONMETALLIC MINERALS

[MPR 347]

MICA

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for mica by a specific maximum price regulation.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator the maximum prices established by this Maximum Price Regulation No. 347 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250.

§ 1438.101 Maximum prices for mica. Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 347 (Mica), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1438 issued under Pub. Laws 421 and 729; 77th Cong.; E.O. 9250, 7 F.R. 7871.

MAXIMUM PRICE REGULATION 347—MICA

CONTENTS

- Sec.
- 1 Maximum prices for scrap mica and unground mica schist.
 - 2 Maximum prices for ground mica and mica schist and for water-washed mica.
 - 3 Maximum prices for punch and sheet mica.
 - 4 Maximum prices for fabricated mica produced from punch or sheet mica.
 - 5 Maximum prices for mica splittings and built-up mica produced therefrom.
 - 6 Maximum charge for bags.
 - 7 Transportation practices.
 - 8 Prohibition against selling mica at prices above maximum prices.
 - 9 Less than maximum prices.
 - 10 Export sales.
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 - 13 Evasion.
 - 14 Records and reports.
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 - 16 Applications for adjustment and petitions for amendment.
 - 17 Definitions.
 - 18 Applicability of this Maximum Price Regulation No. 347.
 - 19 Geographical applicability.

SECTION 1 Maximum prices for scrap mica and unground mica schist. The provisions of this Maximum Price Regulation No. 347 and of the General Maximum Price Regulation¹ shall not apply to sales or deliveries of scrap mica and of unground mica schist.

SEC. 2 Maximum prices for ground mica and mica schist and for water-washed mica—(a) Sales or deliveries of grades of ground mica and mica schist, water-washed mica, and micronized mica sold or offered for sale by the seller during March, 1942—(1) Dry ground mica and mica schist and water-washed mica. (i) The maximum prices for dry ground mica and mica schist and for water-washed mica shall be \$5.00 a ton above the prices at which the seller made the greatest number of deliveries of the same grades of mica or mica schist during March, 1942, to purchasers of the same class.

(ii) If no delivery of a particular grade of such mica, mica schist, or water-washed mica was made by a seller during March, 1942, to a particular class of purchasers, his maximum price for that grade to that class of purchasers shall be the price at which he made the greatest number of offers to deliver the same grade in March, 1942, to purchasers of the same class.

(2) Wet ground mica and mica schist and micronized mica—(i) All such sales or deliveries, except as provided in paragraph (a) (2) (ii) of this section. (a) The maximum prices for water-ground mica and mica schist and for micronized mica shall be ¼¢ a pound above the prices at which the seller made the greatest number of deliveries of the same grades of mica or mica schist during March, 1942, to purchasers of the same class.

(b) If no delivery of a particular grade of such mica, mica schist, or micronized mica was made by a seller during March, 1942, to a particular class of purchasers, his maximum price for that grade to that class of purchasers shall be the price at which he made the greatest number of offers to deliver the same grade in March, 1942, to purchasers of the same class.

(ii) Sales or deliveries of such water-ground mica by David T. Vance and the Newdale Mica Company. David T. Vance, Plumbtree, North Carolina, and the Newdale Mica Company, Erwin, Tennessee, may sell and deliver, and any person may buy or receive from David T. Vance or the Newdale Mica Company, such water-ground mica at prices not in excess of \$10.00 per ton above the prices at which such seller made the greatest number of deliveries of the same grade of mica during March, 1942, to purchasers of the same class.

(b) All other sales or deliveries of ground mica and mica schist, water-washed mica, and micronized mica.

¹ 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371, 1204, 1317, 2029, 2110, 2346, 3096.

Whenever a seller is unable to determine his maximum price or prices under paragraph (a) of this section because he did not sell or offer to sell a particular grade of mica during March, 1942, or because he did not sell to the same class of purchasers during March, 1942, he shall determine the net price or prices at which he expects to sell his product and shall then file such net price or prices with the Office of Price Administration for approval as his maximum price or prices. Such proposed selling price or prices shall be filed with the Office of Price Administration, Second and D Streets, S. W., Washington, D. C., within 15 days after the first sale made on or after March 26, 1943.

When filing such prices with the Office of Price Administration, the seller shall set forth, in addition to the net prices, his list prices, and all discounts, allowances, and differentials for all classes of buyers, a description and identification of the commodity, including the mesh size and grade or quality, a statement of facts differentiating such commodity from the other commodities sold by the seller, a statement showing how the proposed price was determined, and a description of the use or uses for which the commodity is to be produced.

Pending action by the Price Administrator on prices submitted for approval under this paragraph (b), any such seller may sell, deliver, exchange, or offer to sell, deliver or exchange, and any person may buy, offer to buy or receive from such seller any such commodity at the price submitted for approval. In the absence of notice to the contrary from the Office of Price Administration within thirty days after a seller files such selling prices with the Office of Price Administration, the prices filed shall stand approved and shall be the maximum prices applicable to that sale and to subsequent sales. If, however, the Price Administrator disapproves the prices submitted, the selling prices shall be revised downward to the maximum prices which the Price Administrator shall approve and any payment made after March 26, 1943, in excess of the prices so approved may be required to be refunded to the buyer within fifteen days after the date of the written instrument informing the seller of such revision. Notice of such revision will be given to the seller by letter in the name of the Price Executive of the Non-Ferrous Metals Branch of the Office of Price Administration. At the request of the seller, however, if made within thirty days from the date of such notice, the notice of disapproval and the revised price will be incorporated in an order.

SEC. 3. Maximum prices for punch and sheet mica.—(a) *Strategic mica.* The provisions of this Maximum Price Regulation No. 347 and of the General Maximum Price Regulation shall not apply to sales or deliveries of strategic punch and sheet mica.

(b) *Nonstrategic mica.*—(1) *Domestically produced mica.* The provisions of this Maximum Price Regulation No. 347 and of the General Maximum Price Regulation shall not apply to sales or deliveries of domestically produced non-strategic punch and sheet mica.

(2) *Imported mica.* The maximum prices established by Revised Supplementary Regulation No. 12² to the General Maximum Price Regulation shall apply to all nonstrategic punch and sheet mica imported into the forty-eight States of the United States and the District of Columbia.

SEC. 4. Maximum prices for fabricated mica produced from punch or sheet mica.—(a) *Strategic mica.* The provisions of this Maximum Price Regulation No. 347, except as provided in Section 14, paragraph (b), and of the General Maximum Price Regulation shall not apply to sales or deliveries of fabricated mica produced from strategic punch or sheet mica.

(b) *Nonstrategic mica.* The provisions of the General Maximum Price Regulation shall continue to apply to sales and deliveries of fabricated mica produced from nonstrategic punch and sheet mica. In addition, the reporting provisions of Section 14, paragraph (b), of this Maximum Price Regulation No. 347, shall apply to domestic producers of fabricated mica produced from nonstrategic punch and sheet mica.

SEC. 5. Maximum prices for mica splittings and built-up mica produced therefrom. The provisions of the General Maximum Price Regulation shall continue to apply to sales and deliveries of mica splittings and built-up mica produced therefrom. In addition, the reporting provisions of Section 14, paragraph (b), of this Maximum Price Regulation No. 347, shall apply to domestic producers of built-up mica.

SEC. 6. Maximum charge for bags. Every seller may add to his maximum prices for dry ground mica and mica schist and for water-washed mica an amount not greater than the cost of the bags in which the mica is shipped.

SEC. 7. Transportation practices. A seller may not change the transportation practices which he had in effect during March, 1942, if such change would result in higher prices to his customers.

SEC. 8. Prohibition against selling mica at prices above maximum prices. On and after March 26, 1943, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver any mica and no person shall buy or receive any mica in the course of trade or business from any seller at a price in excess of the maximum prices established by this regulation and no person shall agree, offer, solicit, or attempt to do so.

SEC. 9. Less than maximum prices. Lower prices than those set forth above may be charged, demanded, paid or offered.

SEC. 10. Export sales. Export sales of mica shall be subject to the provisions of the Revised Maximum Export Price Regulation³ issued by the Office of Price Administration.

SEC. 11. Idle or frozen materials. The maximum price at which any person may sell or deliver any idle or frozen mica shall be determined in accordance with the provisions of Maximum Price Regu-

lation No. 204⁴ on Idle or Frozen Materials Sold Under Priorities Regulation No. 13.

SEC. 12. Adjustable pricing. Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where an application for adjustment or a petition for amendment requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

SEC. 13. Evasion. The price limitations set forth in this Maximum Price Regulation No. 347 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to mica, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

SEC. 14. Records and reports. (a) Every person making sales or deliveries of mica, and every person making purchases or accepting delivery of mica in the course of trade or business, shall keep for inspection by the Office of Price Administration for so long a period as the Emergency Price Control Act of 1942, as amended, remains in effect complete and accurate records of each such sale, purchase, or delivery showing the date thereof, the name of the purchaser or seller, the quantity and kind of commodity sold, purchased, or delivered, and the price received or paid therefor, and each such seller shall keep a record of all discounts, differentials and allowances which the seller had in effect during March, 1942, with a proper identification of each such discount, differential and allowance.

(b) On or before May 1, 1943, every domestic producer of ground mica and mica schist, water-washed mica, micronized mica, fabricated mica, and built-up mica shall file with the Office of Price Administration, Washington, D. C., a copy of his current price lists and discount schedules or other statements setting forth his current selling prices for all classes of buyers, indicating in each instance his maximum price as determined by this regulation.

(c) Such person shall submit such other reports to the Office of Price Administration, and keep such other records in addition to or in place of the records required in paragraph (a) of this section, as the Office of Price Administration may from time to time require.

SEC. 15. Enforcement. (a) Persons violating any provision of this Maximum Price Regulation No. 347 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regu-

² 7 F.R. 10532; 8 F.R. 611, 2035.

³ 7 F.R. 5059, 7242, 8829, 9000, 10530.

⁴ 7 F.R. 6479, 7366, 8948.

lation No. 347, or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

Sec. 16 Applications for adjustment and petitions for amendment.—(a) *Applications for adjustment.* The following adjustment provisions (subparagraphs (1) and (2)) permit the granting of relief to producers who are unable to maintain or expand their production under their existing maximum prices whenever, under (1), there is a general shortage in the essential supply of the commodity, or, under (2), the loss of the seller's production would result in higher prices to consumers. The extent of relief to be granted under each provision is set forth therein.

(1) Whenever it appears that a shortage exists or threatens to exist in the essential supply of any grade of mica and that a producer of such grade is unable to maintain or expand his production at his maximum price or prices, the Office of Price Administration may, either on application for adjustment in accordance with the provisions of Revised Procedural Regulation No. 1⁷ or on its own motion, adjust his maximum price or prices by an amount necessary to permit the maintenance or expansion of such production upon a reasonable operating margin. In determining such margin, consideration will be given to such factors as:

(i) Revenue from sales of such grade and from all other sources, and
(ii) Production, mining, development, milling, processing, and transportation costs, administrative and sales expenses, depreciation and depletion charges, taxes (excluding Federal and State income taxes), and capital investment.

(2) Whenever it appears that the loss of a seller's production of any grade of mica would force his customers to resort to higher priced sources of supply and that the seller is unable to maintain his production at his maximum price or prices, the Office of Price Administration may, either on application for adjustment in accordance with the provisions of Revised Procedural Regulation No. 1 or on its own motion adjust his maximum price or prices by an amount adequate to cover his operating costs: *Provided, however,* That in no instance will the seller's maximum price be increased to a price in excess of the general level of prices prevailing for alternative sources of the supply of that grade. The term "operating costs" shall include the cost of labor, maintenance, supplies, power, taxes other than State and Federal income taxes, insurance, workmen's compensation, royalties, and other direct expenses, depreciation and depletion (whenever practicable as determined by the Bureau of Internal Revenue in the computation of the Federal income tax), and reasonable costs of selling and administration.

(3) Before filing an application for adjustment under the provisions of sub-

paragraphs (1) and (2), it is suggested that each applicant obtain from the Office of Price Administration, Washington, D. C., a statement of the specific information that will be necessary in order that his application may receive prompt action.

(b) *Petitions for amendment.* Any person seeking amendment of any provision of this Maximum Price Regulation No. 347 may file a petition for an amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

Sec. 17. Definitions. (a) When used in this Maximum Price Regulation No. 347, the term: (1) "Grade" means mesh, size, color, quality, or other classification used by the seller to differentiate his products.

(2) "Ground mica and mica schist" means mica and mica schist ground in the United States, whether from domestic or imported scrap or crude material. The so-called foliated talc produced by the Victor Mica Company shall be considered a grade of mica schist.

(3) "Idle or frozen materials" means any commodity, accessory, part, assembly or product not in a form normally sold by the seller in the ordinary course of his business and sold or delivered pursuant to Priorities Regulation No. 13 issued by the Division of Industry Operations of the War Production Board on July 7, 1942.

(4) "Micronized mica" means mica micronized in the United States, regardless of the source of the scrap or ground mica treated.

(5) "Nonstrategic mica" means mica that is not classified as strategic by the War Production Board.

(6) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions or any agency of any of the foregoing.

(7) "Purchaser of the same class" refers to the practice adopted by the seller of setting different prices for commodities or services for sales to different purchasers or kinds of purchasers (for example, manufacturer, distributor, dealer, jobber, retailer, government agency, public institution, large consumer, medium consumer, small consumer) or for purchasers located in different areas or for different quantities or under different conditions of sale. Customary differentials in discounts on price list goods shall be among the criteria which establish differences among classes of purchasers.

(8) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase" and "purchaser," shall be construed accordingly.

(9) "Strategic mica" means mica classified as strategic by the War Production Board.

(10) "Water-washed mica" means the mica produced by the operations of the Harris Clay Company and the Carolina China Clay Company in connection with their clay operations or mica produced by similar operations.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

Sec. 18. Applicability of this Maximum Price Regulation No. 347. The provisions of this Maximum Price Regulation No. 347 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

Sec. 19. Geographical applicability. The provisions of this regulation shall be applicable only to the forty-eight states of the United States and to the District of Columbia.

Effective Date

This regulation shall become effective March 26, 1943.

Issued this 20th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4329; Filed, March 20, 1943; 11:14 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 338 Under § 1499.3 (b) of GMPR]

JOHN H. WILKINS COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1774 *Authorization of maximum prices for sales of "Wilkins Victory Blend Coffee and Chicory" and "Cereolay" processed by John H. Wilkins Company, 525 Rhode Island Avenue, North East, Washington, D. C.* (a) On and after March 19, 1943, the maximum prices, delivered, for the following products of John H. Wilkins Company, shall be as set forth below:

- (1) "Wilkins Victory Blend Coffee and Chicory" 28½¢ per pound, delivered.
- (2) "Cereolay" 17¢ per pound, delivered.

(b) Wholesalers of these products shall calculate their maximum prices by applying the provisions of Maximum Price Regulation No. 237, as amended.

(c) Retailers of these products shall calculate their maximum prices by applying the provisions of Maximum Price Regulation No. 238, as amended.

(d) This Order No. 338 may be revoked or amended by the Administrator at any time.

(e) This Order No. 338 (§ 1499.1774) shall become effective March 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4330; Filed, March 20, 1943; 11:14 a. m.]

⁷ F. R. 8961.

PART 1499—COMMODITIES AND SERVICES
[Order 343 Under § 1499.3 (b) of GMPR]

JOVAN LABORATORIES, INC., NEW YORK CITY

For the reasons set forth in an opinion issued simultaneously herewith, It is ordered:

§ 1499.1779 *Approval of maximum prices for sales of Hexovan Tablets*—(a) *Maximum prices.* Maximum prices for sales by any seller of Hexovan Tablets are established as follows:

(1) *Sales other than sales on prescription.*

	Per bottle of 100 tablets
Sales to wholesalers.....	\$0.83
Sales to retailers.....	1.00
Sales at retail.....	1.50

(2) *Sales on prescription.* The maximum prices established by subparagraph (1) of this paragraph shall not apply to sales on prescription of Hexovan Tablets. The maximum price for a sale on prescription of Hexovan Tablets shall be determined by the person making the sale on prescription in accordance with the provisions of § 1499.3 (a) of the General Maximum Price Regulation, except that no report of the maximum price so determined need be filed as required by that section.

(b) *Discounts and allowances.* Any seller making sales of Hexovan Tablets shall apply to the maximum prices established for such sales in paragraph (a) all quantity differentials, trade practices, credit terms, practices relating to the payment of shipping charges, and other customary discounts and allowances which were in effect in March 1942 on sales of Jovan Sulphur Compound Tablets by such seller or if such seller did not sell Jovan Sulphur Compound Tablets in March 1942, on sales of the estrogen most comparable to Hexovan Tablets which such seller sold in March 1942.

(c) *Definitions.* When used in this order the term:

(1) "Hexovan Tablets" refers to a synthetic estrogen containing 2.0 mg. hexestrel manufactured by Jovan Laboratories, Incorporated.

(2) "Jovan Sulphur Compound Tablets" refers to coated tablets containing sulphur manufactured by Jovan Laboratories, Incorporated.

(d) *Marking packages with retail ceiling price.* On and after March 20, 1943, Jovan Laboratories, Incorporated, shall mark the carton in which it packages each bottle of 100 Hexovan Tablets as follows: "Ceiling price \$1.50."

This legend shall be printed or stamped in letters at least one quarter as large as those used for the name of the product on the container to be sold by the seller at retail to the ultimate consumer, when it is not sold on prescription, and the type shall be sufficiently bold and the words shall be printed or stamped in a color which sharply contrasts with the background so that the words are clearly legible. No retailer, except a person making a sale on prescription, shall make sales of Hexovan Tablets unless the package is

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marked with the ceiling price as required by this paragraph.

(e) *Notification of maximum prices by Jovan Laboratories, Incorporated to wholesalers.* Jovan Laboratories, Incorporated shall supply to each wholesaler before or at the time of its first delivery of Hexovan Tablets to such wholesaler a written notification of maximum prices as follows:

OPA has authorized us to charge wholesalers not more than \$83, less customary discounts and allowances, for one bottle of 100 Hexovan Tablets.

Wholesaler's maximum prices for sales of one bottle of 100 Hexovan Tablets to retailers are established at \$1.00 per bottle, less customary discounts and allowances.

Retailer's maximum prices for sales of one bottle of 100 Hexovan Tablets are established at \$1.50 per bottle, less customary discounts and allowances.

OPA requires that you keep a copy of this notice for examination.

(f) This Order No. 343 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 343 (§ 1499.1779) shall become effective March 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4299; Filed, March 19, 1943;
4:51 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 344 Under § 1499.3 (b) of GMPR]

DOW CHEMICAL COMPANY

Maximum Prices Authorized under § 1499.3 (b) of the General Maximum Price Regulation, Order No. 344.

For the reasons set forth in an opinion issued simultaneously herewith, It is ordered:

§ 1499.1780 *Approval of maximum prices for sales of Coaladd "D. C. W." produced by Dow Chemical Company, Midland, Michigan*—(a) *Maximum prices for sales by Dow Chemical Company to Johnson March Corporation.* The maximum prices f. o. b. Midland, Michigan, for sales by Dow Chemical Company, of Midland, Michigan, of Coaladd "D. C. W.", a coal dusting composition prepared by it for the Johnson March Corporation of New York, New York, to the Johnson March Corporation, shall be a price equal to the cost of materials plus \$6.50, per ton of Coaladd "D. C. W." The cost of materials shall be considered to be:

(i) In the case of materials for which the maximum price for sales thereof by the Dow Chemical Company has been established under any regulation issued by the Office of Price Administration, the maximum price so established.

(ii) In the case of other materials, the actual cost of such materials delivered to the Dow Chemical Company, but not in excess of the maximum price therefor, delivered to the Dow Chemical Company, as established under any regula-

tion issued by the Office of Price Administration.

(b) *Maximum prices for sales of Coaladd "D. C. W." by Johnson March Corporation.* (1) The maximum price for sales of Coaladd "D. C. W." to any class of purchasers by the Johnson March Corporation shall be the maximum price established for sales by it under the General Maximum Price Regulation to a purchaser of the same class of that formula of Coaladd "D. C. W." which it sold and delivered during March 1942.

(2) Johnson March Corporation shall apply to the maximum prices set forth in subparagraph (1) of this paragraph all discounts and allowances and practices with regard to transportation costs which were in effect in March 1942 on its sales of Coaladd "D. C. W."

(c) This Order No. 344 may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4300; Filed, March 19, 1943;
4:50 p. m.]

PART 1300—PROCEDURE

[Rev. Procedural Reg. 1, Amendment 2]

PROCEDURE FOR THE ISSUANCE, ADJUSTMENT, AMENDMENT, PROTEST AND INTERPRETATION OF MAXIMUM PRICE REGULATIONS

Revised Procedural Regulation No. 1 is amended in the following respects:

1. The text of § 1300.17 is designated as paragraph (a) and new paragraph (b) is added to read as follows:

§ 1300.17 *Requests for review.* * * *

(b) Requests for review shall be deemed filed on the date received by the state or district office, or the regional office as the case may be: *Provided*, That requests for review properly addressed to the appropriate State or district office, or regional office as the case may be, bearing a post-mark dated within 15 days after the date on which the order of denial was mailed, but received after the expiration thereof, shall be deemed to have been filed on the date of the post-mark.

2. The text of § 1300.26 is designated as paragraph (a) and new paragraph (b) is added to read as follows:

§ 1300.26 *Time and place for filing protests.* * * *

(b) Protests shall be deemed filed on the date received by the Secretary, Office of Price Administration, Washington, D. C., or by the director of the appropriate territorial office, as the case may be: *Provided*, That protests properly addressed to the Secretary or to the appropriate territorial director, as the case may be, bearing a post-mark dated within the applicable sixty day

17 F.R. 8961; 8 F.R. 3313.

period specified above, but received after the expiration thereof, shall be deemed to have been filed on the date of the postmark.

This amendment shall become effective March 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued the 20th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4355; Filed, March 20, 1943;
4:34 p. m.]

PART 1300—PROCEDURE

[Rev. Procedural Reg. 3, Amendment 2]

PROCEDURE FOR ADJUSTMENTS, AMENDMENTS; PROTESTS AND INTERPRETATIONS UNDER RENT REGULATIONS

Revised Procedural Regulation No. 3 is amended in the following respects:

1. The text of § 1300.209 is designated as paragraph (a) and a new paragraph (b) is added to read as follows:

(b) Applications for review shall be deemed filed on the date received by the rent director: *Provided*, That applications for review properly addressed to the rent director, bearing a postmark dated within the applicable fifteen-day period specified above, but received after the expiration thereof, shall be deemed to have been filed on the date of the postmark.

2. The text of § 1300.216 is designated as paragraph (a) and a new paragraph (b) is added to read as follows:

(b) Protests shall be deemed filed on the date received by the Secretary, Office, of Price Administration, Washington, D. C.: *Provided*, That protests properly addressed to the Secretary bearing a postmark dated within the applicable sixty-day period specified above, but received after the expiration thereof, shall be deemed to have been filed on the date of the postmark.

3. Section 1300.253 is amended to read as follows:

§ 1300.253 *Effective date of Revised Procedural Regulation No. 3.* Sections 1300.209 and 1300.210 of this regulation are applicable to petitions for adjustment or other relief which are denied in whole or in part by the rent director, or to orders entered by the rent director pursuant to § 1300.207 of this regulation, on or after the effective date of this regulation. Protests against such denials or orders entered prior to February 1, 1943, shall be filed and acted upon pursuant to the applicable provisions of Procedural Regulation No. 3 as heretofore and such provisions are continued in effect for this purpose except that such protests properly addressed to the appropriate Regional Office, bearing a postmark dated within the applicable sixty-day period specified in Procedural Regulation No. 3, but received after the expiration thereof, shall be deemed to have been filed on the date of the post-

mark. This regulation shall become effective February 1, 1943.

This amendment shall become effective March 20, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 20th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4356; Filed, March 20, 1943;
4:34 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 346, Amendment 1]

CORN

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 346 is amended in the following respects:

1. Section 2 is amended to read as follows:

SEC. 2 *Prohibition against dealing in corn at prices above the maximum prices.* On and after March 12, 1943 regardless of any contract or obligation, no person shall in the course of trade or business sell, deliver, buy or receive corn at prices above the maximum prices established by this regulation, nor shall any person agree, offer, solicit or attempt to do any of the foregoing: *Provided, however*, That any contract made and entered into on and between January 13, 1943, and March 11, 1943, both dates inclusive, which complies with Temporary Maximum Price Regulation No. 25, may be performed in accordance with the terms and provisions thereof, notwithstanding any provision of this Maximum Price Regulation No. 346. However, prices lower than the maximum prices established by this regulation may be charged and paid.

2. Section 11 (a) is amended to read as follows:

SEC. 11 *Maximum prices for other grades, classes and kinds of corn—(a) Yellow corn.* The maximum prices for No. 1 yellow corn at all points shall be the same as the maximum prices determined under this regulation for No. 2 yellow corn. The maximum prices for all other grades of yellow corn at all points, when the grading factors which determine these prices are any factors other than moisture content, shall be the respective prices per bushel established by this regulation for No. 2 yellow corn, less the amounts set forth below:

	Cents
No. 3 yellow.....	½
No. 4 yellow.....	1
No. 5 yellow.....	1½
Sample yellow.....	2

The prices established by this regulation for all grades of yellow corn are

*Copies may be obtained from the Office of Price Administration.

18 F.R. 3180.

maximum prices for these grades having a moisture content of 15½ per cent or less. For each one-half per cent or fraction thereof, of moisture in excess of 15½ per cent, the maximum price for each grade shall be decreased ½ cent.

3. Section 11 (b) (1) is amended to read as follows:

(b) *White corn.* (1) The maximum prices per bushel for No. 1 and No. 2 white corn in carload or less than carload quantities, at the terminal basing points, shall be:

Chicago.....	\$1.23½
Milwaukee.....	1.23½
Duluth and Superior.....	1.21¼
Minneapolis and St. Paul.....	1.18
Peoria.....	1.22½
St. Louis and East St. Louis.....	1.21¼
Kansas City.....	1.14
St. Joseph, Mo.....	1.14
Omaha and Council Bluffs.....	1.14
Sioux City.....	1.14

White corn for the purpose of this regulation shall include mixed corn containing 95 per cent or more of white corn.

The maximum prices for all other grades of white corn at all points, when the grading factors are any factors other than moisture content, shall be the price per bushel established by this paragraph for No. 1 or No. 2 white corn, less the respective amounts set forth below:

	Cents
No. 3 white.....	½
No. 4 white.....	1
No. 5 white.....	1½
Sample white.....	2

The prices established for all grades of white corn are maximum prices for these grades having a moisture content of 15½ per cent or less. For each one-half per cent or fraction thereof, of moisture in excess of 15½ per cent, the maximum price for each grade shall be decreased ½ cent.

This amendment shall become effective March 20, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 20th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

Approved: March 20, 1943.

PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43-4357; Filed, March 20, 1943;
4:34 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 1 to Order 72 Under § 1499.3 (b) of GMPR]

VULCANIZED RUBBER COMPANY

An opinion accompanying this amendment has been issued simultaneously herewith.*

Section 1499.286 (b) is amended to read as follows:

(b) Permission to sell Cole-mor-ite plastics at the prices specified in paragraph (a) shall terminate one year after the effective date of this order, September 19, 1942.

18 F.R. 526, 1793.

This amendment shall be effective as of March 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4353; Filed, March 20, 1943;
4:34 p. m.]

Chapter XIII—Petroleum Administration for War

PART 1526—MARKETING FUEL OIL

[Supp. Order 1 to Petroleum Distribution
Order 3]

The fulfillment of the requirements for the defense of the United States has created in certain areas a shortage in the supply of fuel oil for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest, to promote the national defense, and to provide adequate supplies of fuel oil for military and other essential uses:

§ 1526.2 *Supplementary Order No. 1 to Petroleum Distribution Order No. 3.*—

(a) *Definitions.* The definitions of Petroleum Distribution Order No. 3 shall apply in this order.

(b) *Restrictions on delivery of fuel oil for electric power generation.* Notwithstanding the provisions of Petroleum Distribution Order No. 3, on and after April 8, 1943 no person may deliver or otherwise supply fuel oil to any person for the operation of any electric power generation equipment having an aggregate generating capacity of 100 kw. or more, and no person may accept delivery of fuel oil for such purpose, unless the person receiving fuel oil for such purpose has complied with § 1394.5404 of Ration Order No. 11, as amended, issued by the Office of Price Administration, and has furnished to the delivering supplier at the time of the first delivery on or after April 8, 1943, a certification in substantially the following form signed by a duly authorized official:

(Date)
To the Petroleum Administrator for War and the delivering supplier:

The undersigned certifies that he has complied with the terms of § 1394.5404 of Ration Order No. 11, as amended, issued by the Office of Price Administration, with the terms of which he is familiar.

(Name of person receiving fuel oil for operation of power generation equipment)

(Signature of duly authorized official)

(Address of such person).

This certification shall constitute a representation to the Petroleum Administrator for War and to the delivering supplier, and the delivering supplier is entitled to rely on such representation unless he knows or has reason to believe it to be false.

(c) *Communications.* All communications concerning this order shall, un-

less otherwise directed, be addressed to the District Director in Charge, Petroleum Administration for War, 122 East 42nd Street, New York, New York, Ref: SPD 3.

(d) *Violations.* Any person who willfully violates any provision of this order, or who, by any act or omission, falsifies records kept or information furnished in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment.

Any person who willfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control, or such other action may be taken as is deemed appropriate.

(e) *Area of applicability.* This order shall apply only to any person, or to the delivery of fuel oil, in any portion of District One, except that portion of the State of Florida west of the Apalachicola River.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law. 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of March 1943.

R. K. DAVIES,
Deputy Petroleum
Administrator for War.

[F. R. Doc. 43-4269; Filed, March 19, 1943;
1:37 p. m.]

[Petroleum Directive 66]

PART 1527—MARKETING ASPHALT

The most effective utilization of petroleum requires that the number of grades of asphalt be limited to the minimum necessary to fulfill essential civilian and war demands, contributing thereby to the best use of the transportation and storage facilities available for asphalt; and the following operating directive is deemed necessary and appropriate, to promote the national defense, and to provide adequate supplies of petroleum for military and other essential uses:

§ 1527.1 *Petroleum Directive 66—(a) Manufacture of asphalt.* No asphalt or asphaltic products for paving purposes or dust palliatives other than the grades specified in paragraph (b) shall be manufactured after the effective date of this directive.

(b) *Grades of asphalt.* The grades of asphalt and asphaltic products for paving purposes which may be manufactured after the effective date of this Directive are:

Asphalt cements:
Penetration Ranges—50-60, 60-70, 85-100, 120-150, 150-200, 200-300.

Federal Specifications—²SS-A-706a (November 26, 1940) and SS-R-406a (April 25, 1942).

¹ Same specifications as 150-200 penetration asphalt except that the softening point shall be 90-125 degrees Fahrenheit, and penetration at 77 degrees Fahrenheit, 100 grams, 5 seconds, shall be 200-300.

² The test, Organic Matter Insoluble, may be waived.

Medium curing cutback asphalts:

MC-1, MC-2, MC-3, MC-5.

Federal Specifications—SS-A-671a (June 20, 1941) and SS-R-406a (April 25, 1942).

Rapid curing cutback asphalts:

RC-1,³ RC-2, RC-3, RC-5.

Federal Specifications—SS-A-671a (June 20, 1941) and SS-R-406a (April 25, 1942).

Emulsified asphalts:

Any grade manufactured from base stocks provided for in this directive.

(c) *Special provisions.* (1) At the option of the purchaser, the Heptane-Xylene Equivalent Spot Test as set forth in Specification A. A. S. H. O. designation T102-42 (using a minimum of 15 percent Xylene with normal Heptane) may be required in addition to Federal Specifications.

(2) Except as provided in paragraph (c) (1), no refiner or processor of asphalt and asphaltic products for paving purposes shall be required to meet any material test not provided for in the Federal Specifications.

(d) *Exceptions.* (1) Crack filler, joint filler, cold patch, lump or powdered asphalt and zone marking paint may be manufactured only when such products are to be transported from a refinery by means other than tanker, barge, tank car, tank truck or tank truck trailer.

(2) Flux oil may be manufactured only when such flux oil is to be used in connection with natural rock asphalt or is to be used with lump or powdered asphalt exclusively for plant mix paving mixtures.

(e) *Communications.* All communications concerning this Directive, shall, unless otherwise directed, be addressed to: The Director of Marketing, Petroleum Administration for War, The Interior Building, Washington, D. C. Ref: PD 66.

(f) *Area of applicability.* This Directive shall apply to the Continental United States.

(g) *Revocation of recommendation 61.* Sections 1504.112 to 1504.115 inclusive (Recommendation 61) (7 F.R. 9737) are hereby revoked.

(E.O. 9276, 7 F.R. 10091)

Issued this 20th day of March 1943.

R. K. DAVIES,
Deputy Petroleum Administrator
for War.

[F. R. Doc. 43-4372; Filed, March 22, 1943;
11:05 a. m.]

Chapter XV—Board of War Communications

[Order 19A]

PART 17—INTERNATIONAL RADIOTELEPHONE COMMUNICATIONS

TERMINATION OF CERTAIN COMMUNICATIONS

Whereas, the Board of War Communications has determined that the national security and defense and the successful conduct of the war demand

³ Rapid curing cutback asphalt RC-1 may be manufactured only when this product is to be transported from a refinery to a terminal via tank ship or barge.

the termination of certain international radiotelephone communications;

Now, therefore, by virtue of the authority vested in the Board by Executive Order No. 8964 (6 F.R. 6367) dated December 10, 1941, Order No. 19 (7 F.R. 7917) dated September 30, 1942, is hereby amended to read as follows:

It is hereby ordered as follows:

§ 1714.1 *Termination of certain international radiotelephone communications.* From and after the date hereof, (a) non-governmental business radiotelephone calls between the United States and Great Britain shall be permitted subject to the prior approval thereof from the Office of Censorship. No personal radiotelephone calls shall be permitted between the United States and Great Britain.

(b) No non-governmental business or personal radiotelephone call shall be made to or from any foreign point outside of the Western Hemisphere other than Great Britain, or to or from the Bahama Islands or Jamaica, unless such call is made in the interest of the United States or the United Nations and unless an agency of the United States Government sponsors such call and obtains prior approval therefor from the Office of Censorship: *Provided, however,* That this provision shall not apply to American press calls or radio broadcast programs, or to such other press calls and radio programs as may be specifically approved by the Office of Censorship.

(c) No calls of any nature, over the radiotelephone circuits under the jurisdiction of the United States, no matter where such calls may originate, unless sponsored and approved as provided in paragraph (b), shall be permitted to, from, or on behalf of, the following thirteen countries: Egypt, Finland, France, Iceland, Iran, Ireland, Latvia, Lithuania, Portugal, Spain, Sweden, Switzerland, and Turkey.

(d) Personal calls other than those prohibited in the foregoing paragraphs may be completed between two points in the Western Hemisphere.

Subject to such further order as the Board may deem appropriate.

Nothing herein shall apply to existing regulations governing the use of cable, telegraph or radiotelegraph communications.

BOARD OF WAR COMMUNICATIONS.
JAMES LAWRENCE FLY,
Chairman.

Attest: March 17, 1943.

R. J. MAVERMAN,
Assistant Secretary.

[F. R. Doc. 43-4339; Filed, March 20, 1943;
12:00 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 6—REGULATIONS FOR SECURITY OF PORTS AND THE CONTROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

Pursuant to the authority contained
in section 1, Title II of the Espionage Act

approved June 15, 1917, 40 Stat. 220, as amended by the Act of November 15, 1941, 55 Stat. 763 (U.S.C. Title 50, sec. 191, 191a), and by virtue of the Proclamation and Executive Order issued June 27, 1940 (5 F.R. 2419), and November 1, 1941 (6 F.R. 5581), respectively, the regulations relating to the control of vessels in the navigable waters of the United States, are hereby amended as follows:

By amending §§ 6.3-5 to 6.3-70, inclusive, of Subpart C, to read as follows:

The Port of New York

§ 6.3-5 *Long Island Sound, New York.*—(a) *Anchorage No. 1.* Southwestward of a line, between Neptune Island and Glen Island, ranging from the flashing red light on Aunt Phebe Rock and tangent to the north edge of Glen Island; southwestward of a line tangent to the northeast edges of Glen Island and Goose Islands breakwater; southwestward of a line bearing southeasterly from the southwest end of Goose Islands breakwater and on range with the south gable of the Casino on the northeast end of Glen Island; westward of a line ranging from the east edge of the said breakwater to the west edge of the north end of Hart Island; westward of a line ranging thence toward the radio tower on Willets Point to a point off the south end of City Island; and northward of a line ranging from Hart Island Light to Locust Point. Boats shall not anchor in this area in buoyed channels and must be so anchored as to leave at all times an open, usable channel, at least 50 feet wide, west and south of Glen Island. Special anchorage areas within Anchorage No. 1 wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor light:

(1) *Eastchester Bay, New York; anchorage at City Island.* The portion of Anchorage No. 1 west of City Island and within the following limits: Northward of a line ranging 244° true from the Duryea Pier at the foot of City Island Avenue to Big Tom Nun Buoy No. "2" (latitude 40°50'01", longitude 73°47'25"); thence northeastward of a line ranging 329° true from Big Tom Nun Buoy No. "2" through the Rodman Neck Shoal Nun Buoy (latitude 40°50'46" longitude 73°48'01"); southeastward of a line ranging 205° true, from the east abutment of the City Island Bridge through the south tower of the Bronx-Whitestone Bridge; and southward of a line ranging 90° true from the Pelham War Memorial in Pelham Bay Park and the steeple of the church at the southeast corner of Elizabeth Street and City Island Avenue.

(2) *Anchorage along west shore.* The portion of Anchorage No. 1 along the west shore of Eastchester Bay north of and including Weir Creek, shoreward of a line ranging 349° true from the end of the timber pier at the foot of Pope Place, Edgewater, and through the transmission tower at the northeast side of the draw of the New York, New Haven and Hartford Railroad Bridge over Eastchester Creek, and having as its northerly limit the line ranging 79° true through the row

of telephone poles along the north side of Watt Avenue.

(3) *New Rochelle Harbor; Travers Island Creek.* The portion of Anchorage No. 1 lying between Hog Island, Travers Island, Neptune Island and Glen Island and the mainland to the westward of a line extending from the cupola at the southeast extremity of Glen Island to the easternmost extremity of Hog Island and to the northeastward of a line extending from the southwest extremity of Hog Island to the southeast corner of Travers Island; Except, That no vessel shall anchor without lights within 25 feet of the 50-foot channel west and south of Glen Island.

(4) *Goose Islands Anchorage.* The portion of Anchorage No. 1 between Glen Island and Goose Islands breakwater, northward of a line extending from the northwest end of Goose Islands breakwater to the cupola at the north end of the bathing beach on Glen Island.

(b) *Anchorage No. 1-A.* Southwestward of a line ranging from Duck Point, Echo Bay, through Baileys Rock Lighted Buoy "3 BR"; northward of a line ranging from Hicks Ledge Buoy "2 H" to Old Tom Head Rocks Buoy "N 4," and from thence northward of a line ranging to the southerly point of Davenport Neck.

(c) *Anchorage No. 1-B.* Westward of a line ranging from the point on the southwest side of the entrance to Horse-shoe Harbor, Larchmont, to the Hicks Ledge Buoy "2 H," thence northward of a line ranging to Duck Point and in Echo Bay north and west of the channel.

(d) *Anchorage No. 2.* To the westward of a line from Locust Point tangent to the northeasterly sea wall at Throgs Neck. Special anchorage area within Anchorage No. 2 wherein vessels no more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights:

(1) *Anchorage at Locust Point Harbor.* The portion of Anchorage No. 2 to the westward of a north and south line longitude 73°47'58", through the southerly corner of the concrete culvert at the southerly end of the stone wall at Locust Point.

(e) *Anchorage No. 3.* To the northeastward of a line from the south side of Barker Point to Gangway Rock Light, southeastward of a line from thence to Sands Point Reef Buoy 25, and southwestward of a line from thence through Sands Point Light.

(f) *Anchorage No. 4.* In Manhasset Bay and to the northeastward of a line ranging from Stepping Stones Light through Elm Point Buoy No. "N2"; southeastward of a line ranging from Stepping Stones Light to Gangway Rock Light, and southwestward of Anchorage No. 3. Special anchorage areas within Anchorage No. 4 wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights:

Manhasset Bay, New York

(1) *South anchorage at Port Washington.* The portion of Anchorage No. 4 northward of latitude 40°49'06"; eastward of a line ranging 346° true from the flagpole on the end of the Whitney Dock at Plandome to the flagpole on the

Columbia Yacht Club pier at Manorhaven; and southward of a line (latitude 40°49'21") ranging due east to the flagpole on the dock of the Port Washington Yacht Club.

(2) *North anchorage at Port Washington.* The portion of Anchorage No. 4 northward of a line (latitude 40°49'28") ranging due west from the southwest corner of the boat sheds on the Purdy Boat Company pier at Port Washington; eastward of a line ranging 346° true from the flagpole on the end of the Whitney Dock at Plandome to the flagpole on the pier of the Columbia Yacht Club at Manorhaven; southeastward of a line ranging 53° true to the cupola of the old Sands Point schoolhouse at Port Washington; and southward of a line (latitude 40°49'51") ranging due east to the weather vane of the Port Washington Junior High School; Except, that no vessel shall anchor without lights within 100 feet of the buoyed eastwest channel leading to the town dock at Port Washington and to Mill Pond.

(3) *Anchorage at Manorhaven.* The portion of Anchorage No. 4, westward of a line (longitude 73°42'53") ranging due south from the end of the Town of North Hempstead Pier at Manorhaven; northward of a line ranging 233° true from the intersection between the shore and the northerly line of Corchang Avenue (extended) on Tom Point to Black Can Buoy No. 3 (latitude 40°49'48.5", longitude 73°43'25"); and eastward of the line (longitude 73°43'17") ranging due north to the east side of the pier of Yacht Service, Inc., on the Copp Estate at Manorhaven.

(g) *Anchorage No. 5.* In Little Neck Bay and to the eastward of a line ranging from Fort Totten flagstaff to Hart Island Light and southward of Anchorage No. 4. Special anchorage area within Anchorage No. 5 wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights:

(1) *Little Neck Bay, New York.* The portion of Anchorage No. 5 southward of a line (latitude 40°47'33") ranging due east from the flagpole at Fort Totten, Willets Point, and eastward of a line (longitude 73°46'10") ranging due north from the flagpole at the Bayside Yacht Club.

§ 6.3-10 *East River, New York.*—(a) *Anchorage No. 6.* On Hammond Flats to the northward of a line bearing 260° from the head of the pier on Throgs Neck at the foot of Pennyfield Avenue to the north tower of Bronx-Whitestone Bridge at Old Ferry Point.

(b) *Anchorage No. 7.* To the southward of a line from Whitestone Point to the outer end of Willets Point Wharf.

(c) *Anchorage No. 8.* On the north side of the channel north of a line between the north tower of Bronx-Whitestone Bridge at Old Ferry Point and East River Buoy "4".

(d) *Anchorage No. 9.* On the south side of the channel to the eastward of a line from College Point Reef Light tangent to the west side of College Point and south of a line from said light to Whitestone Point.

(e) *Anchorage No. 10.* In Flushing Bay to the southeastward of a line through Flushing Bay Lighted Bell Buoy "1" and tangent to the northwest corner of College Point; and in Bowery Bay to the southwestward of a line ranging from the Aero Beacon on the Administration Building of La Guardia Field to the easterly corner (latitude 42°47'06.2", longitude 73°53'46") of the Consolidated Edison Company of New York bulkhead on the north side of the entrance to Steinway Creek and westward of a line ranging from the corner of the bulkhead at the foot of 81st Street, Queens, to the Power House Stack on the north portion of Rikers Island.

(f) *Anchorage No. 11.* To the eastward of Rikers Island and southward of a line from the northeast corner of the T-shaped north pier of Rikers Island to Rikers Island Channel Entrance Gong Buoy, to the westward of a line from thence to Rikers Island Channel Buoy "2" and northward of a line from thence to Rikers Island Channel Buoy "4", and from thence to Rikers Island Channel Buoy "6".

(g) *Anchorage No. 12.* To the westward of Rikers Island, northward of a line from Rikers Island Channel Buoy "6" to South Brother Island Ledge Light, to the eastward of a line from thence to the west side of South Brother Island, and southward of a line through South Brother Island Light to the northwest corner of the T-shaped north pier of Rikers Island.

(h) *Anchorage No. 13.* To the westward of a line from Stony Point, Port Morris, to the northeast end of Wards Island; and between Wards Island and Randall Island, and between Randall Island and Port Morris.

(i) *Anchorage No. 14.* In Halletts Cove, to the eastward of a line from a point on shore 100 feet west of the southerly prolongation of 2nd Street, Astoria, to Gibbs Point.

(j) *Anchorage No. 15.* To the southward of a line bearing 119° prolonging the center line of East 32nd Street, westward of the Poorhouse Flats Range and westward of a line ranging 356° from the northwest corner of the American Sugar Refining Company bulkhead at the foot of Grand Street, Brooklyn, through East River Buoy "S18", and northward of a line bearing 119°, prolonging the center line of East 24th Street.

§ 6.3-15 *Hudson River, New York.*—

(a) *Anchorage No. 16.* Northward of a line on a range with the north side of the north pier of the Union Dry Dock and Repair Company Shipyard, Edgewater, N. J.; westward of a line ranging 25° true from a point 120 yards east of the east end of said pier to a point 500 yards from the shore (915 yards from Fort Lee flagpole) on a line bearing 100° true and ranging between the Fort Lee flagpole and the square chimney on the Medical Center Building at 168th Street, Manhattan; and southward of said line ranging between the Fort Lee flagpole and the square chimney of the Medical Center.

(1) Subject to the provisions for naval anchorage No. 19, the Captain of the Fort may shift the position of, or clear

the area of, any vessel so moored as to obstruct the use of this area for additional anchorage of naval vessels when found necessary.

(b) *Anchorage No. 17.* Northward of a line bearing 66° true ranging between the south face of the building known as "Ben Marden's Riviera" north of the George Washington Bridge at Fort Lee, N. J., and the bell tower of the "Cloisters" at Fort Tryon Park, Manhattan; westward of lines ranging 29° true from spar buoy (lat. N. 40°51'34", long. W. 73°56'54") to spar buoy (lat. N. 40°52'27", long. W. 73°56'16"); thence 20° true to spar buoy (lat. N. 40°54'17", long. W. 73°55'23"); thence 15° true to spar buoy (lat. N. 40°56'20", long. W. 73°54'39"); and southward of a line (bearing 104° true) on a range with the latter buoy and the stack of the Yonkers Sewage Disposal Plant: *Provided*, That in order to give free passage for ferry boats, no vessel shall anchor within 300 yards of the line of the Englewood, N. J. to Dyckman Street, Manhattan, N. Y. ferry.

(1) Subject to the provisions for naval anchorage No. 19, the Captain of the Port may shift the position of, or clear the area of, any vessel so moored as to obstruct the use of this area for additional anchorage of naval vessels when found necessary.

(c) *Anchorage No. 18-A.* Eastward of lines bearing 8° true from the northwest corner of the crib icebreaker north of the New York Central Railroad Company drawbridge across Spuyten Duyvil Creek (Harlem River) to a point 250 yards off shore and on line with The New York Central Railroad signal bridge at the foot of 231st Street, extended, at Spuyten Duyvil, Bronx, N. Y.; thence bearing 19° true to the channelward face of the Mount St. Vincent Dock at the foot of West 261st Street, Riverdale, Bronx, N. Y.

(1) Subject to the provisions for naval anchorage No. 19, the Captain of the Port may shift the position of, or clear the area of, any vessel so moored as to obstruct the use of this area for additional anchorage of naval vessels when found necessary.

(d) *Anchorage No. 18-B.* Northward of the south side of West 181st Street, prolonged; eastward of a line ranging 28° true from Jeffreys Hook Light on Fort Washington Point and tangent to the east shore of the river at Inwood Hill Park; and southward of the line of the south ferry rack, extended due east, at Dyckman Street, Manhattan, N. Y.

(1) Subject to the provisions for naval anchorage No. 19, the Captain of the Port may shift the position of, or clear the area of, any vessel so moored as to obstruct the use of this area for additional anchorage of naval vessels when found necessary.

(e) *Anchorage No. 19 (Naval Anchorage).* An anchorage is defined and established for the mooring of naval vessels northward of the south side of West 72nd Street, Manhattan, prolonged; eastward of the east channel line of the Federally improved Weehawken-Edgewater channel, said east channel line being extended to a point opposite West 156th Street; thence eastward of a line

bearing 17° true ranging between the end of the pier at the foot of West 134th Street and a point on the George Washington Bridge 250 yards westward of the air beacon on the east bridge tower; and southward of said bridge: *Provided*, That, in order to give free passage for ferry boats, no vessel shall anchor within a limit of 300 yards of the line of the West 125th Street, Manhattan to Edgewater, N. J. ferry.

(1) In the discretion of the Captain of the Port, small commercial or pleasure vessels may anchor in this area shoreward of a line extending from the channelward end of the New York Central Railroad pier at the foot of West 70th Street to the channelward end of the pier at the foot of West 129th Street; and shoreward of the pierhead line as established by the Secretary of War, between West 134th Street, and a prolongation of the bridge over the New York Central Railroad tracks located 1,000 feet south of the George Washington Bridge.

(2) The Captain of the Port may grant permission for one stake boat to occupy an area in the westerly 200-yard portion of the naval anchorage.

(3) The Captain of the Port may permit limited temporary anchorage, not to exceed 24 hours, of commercial vessels awaiting berths in the westerly portion of the naval anchorage south of West 135th Street when use of the anchorage of naval vessels will permit.

(4) The established anchorages for naval vessels having been found inadequate at times when large numbers of them are in the harbor a numbered series of anchorages is defined and established, as shown on Key Chart No. 1, and Key Chart No. 2 (not published herein) in order that when a necessity for additional anchorages arises, permission may be given naval vessels to anchor at designated points serially numbered from 2 to 40 for capital ships, from 100 to 129 for intermediate ships, from 213 to 399 for destroyers and small craft, and from 508 to 611 for the anchorage of destroyers and small craft on the east side of the river, when the space is not required for capital or intermediate ships. Berths 16 to 19, 546, 547, and 551 to 555, are for use only on occasions when the other numbered berths available are not sufficient for the accommodation of the naval ships present. The Captain of the Port, on request from the proper naval authorities, may grant permission to occupy the numbered anchorages outside of, or extending outside of, naval anchorage No. 19, provided those specified in the request can be made available, commercial conditions at the time being given proper consideration. If, in his opinion, there are reasons why the anchorage or anchorages asked for should not be assigned, he will confer with the naval officers making the request, and if other numbers can be agreed upon, will authorize their use; otherwise he will communicate the request to the Secretary of the Navy with a statement of the circumstances and with his recommendation.

Special Anchorages for Pleasure Vessels

(f) The following areas in the Hudson River are designated as special anchorage areas wherein vessels no more than sixty-five feet in length, when at anchor, shall not be required to carry or exhibit anchor lights:

(1) *Yonkers, New York.* Northward of a line on range with the footbridge across the New York Central Railroad Company tracks at the southerly end of Greystone Station, eastward of a line on range with the square, red brick chimney west of the New York Central Railroad Company tracks at Hastings-on-Hudson and the easterly yellow brick chimney of the Glenwood power house of the Yonkers Electric Light and Power Company, and southward of a line on range with the first New York Central Railroad Company signal bridge north of the Yonkers Yacht Club.

(2) *Hastings-on-Hudson, New York.* Northward of a line on range with the northerly face of the club house of the Tower Ridge Yacht Club, eastward of a line on range with the elevated tank of the Anaconda Wire and Cable Company and the channelward face of the northerly building on the waterfront of the said Company's property, and southward of a line on range with the first footbridge across the New York Central Railroad tracks, north of the Tower Ridge Yacht Club.

§ 6.3-20 *Upper Bay anchorages.*—(a). *Anchorage No. 20.* Within an area lying northeast of Ellis Island to the southeastward of a line bearing 58° from the northernmost corner of the island; to the southwestward of a line bearing 100° from the northeast corner of the Central Railroad of New Jersey Pier No. 9 to the outer end of the Staten Island Ferry Racks, on the New York shore; to the westward of a line bearing 178° from the northeast corner of the Central Railroad of New Jersey Pier No. 5; and to the northward of a line ranging 85° from the south corner of the northerly section of Ellis Island to the outer end of the Staten Island Ferry Racks on the New York shore.

(b) *Anchorage No. 20-A.* To the southward of a line ranging from the southernmost corner of Ellis Island to Cable Lower Buoy "1" off Ellis Island; to the westward of two lines, one line in extension of the line marking the eastern limits of Anchorage No. 20 and the other line ranging 205° from Main Channel Lighted Bell Buoy "31" through Main Channel Lighted Bell Buoy "29" to the north end of the United States Marine Hospital at Stapleton, Staten Island; and to the northward of a line ranging 132° through Nun Buoy "2" and Main Channel Lighted Bell Buoy "29" toward a tall brick chimney near the foot of 52nd Street, Brooklyn, N. Y. Area 49-B in this anchorage is reserved for explosives and is excluded from use as a general anchorage. (See § 6.3-65.)

(c) *Explosive anchorage.* The portion of Anchorage 20-A located eastward of a line bearing 204.5° true from the east end

of the east landing pier on Bedloe's Island through Bayonne Terminal Lighted Buoy "1", Robbins Reef Lighted Gong Buoy "27", and Coast Guard Depot North Dock Light; and south of the National Docks at Black Tom Island, is designated as an explosive anchorage. The Captain of the Port may authorize the use of this explosive anchorage by vessels loading or discharging explosives when he finds that the interests of commerce and national war effort will be promoted thereby and that the interest of safety will not be prejudiced thereby. No vessel shall occupy this anchorage without a permit from the Captain of the Port.

(d) *Anchorage No. 20-B.* To the southward of Pennsylvania Railroad Greenville Terminal dredged channel on a line from the southerly corner of the southerly pier of the Pennsylvania Railroad Company Greenville Terminal to the end of the south pier of the Bethlehem Steel Company Ship Building Division at the foot of 56th Street, Brooklyn; to the westward of a line from the Governors Island Extension Light to the tower at the westerly end of the St. George Ferry Terminal, to the northward of a line ranging 262° from Robbins Reef Gong Buoy "27", and north-east of the channel approach to the north side of Constable Point.

(1) No vessel shall anchor between Ellis Island and the piers of the Central Railroad of New Jersey, or in the dredged channel approaches to this space, or the piers and wharves of the railroad, or in the dredged channel approaches to the National Docks at Black Tom Island, to Bedloe's Island, to the Greenville, Claremont and Bayonne Terminals, or in the New Jersey Pierhead Channel, or near the entrances to said channels so as to obstruct the approaches or interfere in any way with the free navigation of the same. The portion of Anchorage 20-A, north of the National Docks at Black Tom Island, and the portion of Anchorage 20-B which are east of a line ranging 204.5° true and tangent to the east end of the east landing pier of Bedloe's Island through Bayonne Terminal Lighted Buoy "1", Robbins Reef Lighted Gong Buoy "27", and Coast Guard Depot North Dock Light, are set aside as temporary anchorages for vessels arriving in and leaving port. No vessel shall occupy these anchorages for a longer period than 72 hours unless a permit is obtained from the Captain of the Port for that purpose.

(e) *Anchorage No. 21.* To the southward of a line passing through Claremont Terminal Lighted Buoy "1", the easterly white spar buoy "A" marking the north limit of the anchorage ground and the middle point of the front of the New York Dock Company Pier No. 41 (Merchants Stores); to the westward of Red Hook and Bay Ridge Channels marked by anchorage and channel buoys along the western edge of the dredged channel; to the eastward of a line through Bay Ridge Channel Junction Lighted Bell Buoy and Gowanus Flats Lighted Bell Buoy "22"; to the eastward

of a line from thence to Gowanus Flats Lighted Bell Buoy "24"; northerly therefrom, to the eastward of a line ranging 28° from the southeast corner of city pier No. 16, Staten Island, to the light at southwest end of Governors Island, through Gowanus Flats Lighted Bell Buoys "26", "28" and "30".

(f) *Anchorage No. 21-A.* All that portion of Anchorage No. 21 to the northward of a line ranging from the end of the 39th Street Ferry rack (northeast rack), Brooklyn, to Gowanus Flats Lighted Bell Buoy "28". This anchorage to be used for sailing vessels; deep-laden vessels to use the western half of the anchorage and light-draft vessels to use the eastern half.

(g) *Anchorage No. 21-B.* That portion of Anchorage No. 21 south of Anchorage No. 21-A as described above, and west and south of Anchorage No. 21-C described below. This anchorage shall be used by steamers; those deep-laden to use the western side and southern end of the anchorage ground, and light-draft steamers to use the eastern side, excluding the fairway described below.

(h) *Anchorage No. 21-C.* That portion of Anchorage No. 21 south of Anchorage No. 21-A as described above, northerly of a line ranging from Robbins Reef Light to the northerly of the tall chimneys of the Brooklyn Edison Company's power house at 66th Street, Brooklyn, and easterly of a line ranging from the point of Red Hook to the north corner of Pier 21 of the Pouch Terminal at Clifton, Staten Island, excluding the fairway described below. Barges drawing 12 feet or less are required to use this anchorage to the exclusion of Anchorage Nos. 21-A and 21-B.

(1) Vessels of the various types required to use Anchorage Nos. 21-A, 21-B, and 21-C may be anchored in other of these areas than those set aside for them for a limited time after first obtaining a permit from the Captain of the Port, when and to the extent that they are not needed for vessels of the types assigned to them.

(2) A fairway 600 feet wide, crossing Anchorage Nos. 21-B and 21-C, marked by buoys at each entrance, shall be excluded from the anchorage grounds. Its northerly side is on range with Claremont Terminal Lighted Buoy "1" at the entrance to Claremont Terminal Channel, and the center of the head of the north pier of the Long Island Railroad terminal at the foot of 64th Street, Bay Ridge.

(3) No vessel shall occupy these anchorages for a period longer than 30 days, unless a permit is obtained from the Captain of the Port for that purpose.

(i) *Anchorage No. 21-D.* Small vessels may, in the discretion of the Captain of the Port, anchor to the eastward of a line ranging 338.5° from the west edge of Fort Lafayette, and southward of 92nd Street; between 79th Street and 92nd Street, eastward of a line ranging from Craven Shoal Lighted Bell Buoy to the Statue of Liberty, and eastward of Bay Ridge Channel, northward of 79th Street to a point off 66th Street; but not

within 100 yards of the pier at 69th Street, Brooklyn.

(j) *Anchorage No. 22 (Man-of-War Anchorage).* To the southward of a line ranging 85° from the north end of the east rack of St. George Ferry; to the westward of a line ranging 171° through the northeast corner of Bayonne Terminal; and to the northward of a line ranging 72° from the northeast corner of Pier 6, Tompkinsville, Staten Island.

(1) The Captain of the Port may permit commercial vessels to anchor, temporarily, ordinarily for a period not greater than 24 hours, in this anchorage, when he knows that it is not going to be needed for naval vessels, but two berths for capital ships of the Navy shall be reserved in the eastern portion of the anchorage, and two berths reserved for Coast Guard vessels near shore. Commercial vessels so anchored shall be moved at their own expense whenever the anchorage ground is needed for naval vessels.

(k) *Anchorage No. 23 (Temporary Anchorage).* South of a line ranging 72° from the northeast corner of Pier 6, Tompkinsville, Staten Island; to the westward of a line ranging 175° from Robbins Reef Light to the northeast corner of Quarantine Wharf, and to the northward of a line bearing 226° to the center of a large gas tank at Clifton, Staten Island. No vessel shall occupy this anchorage for a longer period than 48 hours, unless a permit is obtained from the Captain of the Port for that purpose.

(l) *Anchorage No. 24 (Quarantine Anchorage).* To the southward of a line bearing 226° to the center of the gas tank at Clifton, Staten Island, and to the westward of a line ranging from the northern end of the Quarantine Wharf, Rosebank, Staten Island to Robbins Reef Lighthouse.

(1) Vessels arriving at quarantine and awaiting inspection may anchor temporarily to the westward of a line bearing 346°, 100 yards westerly from and parallel with a line ranging from Craven Shoal Lighted Bell Buoy to Robbins Reef Lighthouse, but not south of a line bearing 270° from the north side of Fort Lafayette or north of a line ranging 85° from the north end of the east rack of the St. George Ferry Landing. As soon as cleared by the quarantine officer, vessels must vacate this temporary anchorage and, if detained in quarantine, must at once move into the quarantine anchorage.

(2) Northerly of Quarantine Wharf, Rosebank, Staten Island, vessels may be kept to the westward of the east boundary range of this temporary anchorage at all times by dropping anchors on or to the westward of a line ranging 168° from Fort Wadsworth Light when the combined lengths of anchor line and vessels swinging eastward of the line shall in no case exceed from 370 yards off Quarantine Wharf, to 270 yards opposite Pier 6, Tompkinsville, Staten Island, and proportionate lengths between such points.

(3) Whenever the temporary quarantine anchorage off Staten Island is fully utilized, vessels shall anchor as directed by the Captain of the Port. (See Quarantine Anchorage No. 44).

§ 6.3-25 *Explosives anchorage: Gravesend Bay, New York*—(a) *Anchorage No. 25.* To the northward of a line ranging 271.5° from Coney Island Lighthouse on Norton Point to the south point of Hoffman Island to the eastward of a line ranging 342° through Main Channel Lighted Bell Buoy 20-A, a point 250 yards due west from the west edge of Fort Lafayette and a point 300 yards due east from Robbins Reef Lighthouse; and to the southward of a line ranging 70° from Main Channel Lighted Bell Buoy "20-A", through Fort Hamilton southwest Buoy "20". (See § 6.3-65).

§ 6.3-30 *Lower Bay Anchorages, New York*—(a) *Anchorage No. 26.* In Sandy Hook Bay to the southward of a line extending from Point Comfort to Sandy Hook Point Light.

(b) *Anchorage No. 27.* Vessels may anchor on Romer Shoal and Flynn Knoll and south of Gedney Channel.

(c) *Anchorage No. 28.* To the southward of a line ranging due east from the ruins of a bulkhead at Fort Wadsworth, to Main Channel Lighted Bell Buoy "20-A" to the westward of lines ranging 154.5° from Fort Wadsworth Light to Craven Shoal Lighted Bell Buoy "19A"; thence in succession to the buoys marking the east side of West Bank and the buoys on the west side of Chapel Hill cut; thence 182° to a line extending from Sandy Hook Point Light to Point Comfort, to the northward of the latter line, and the New Jersey shore, and to the eastward of a line bearing 353° from the head of the Keansburg Steamboat Dock at Point Comfort, through Great Kills Flat Buoy "4" to the Staten Island shore.

§ 6.3-35 *Kill Van Kull Anchorages*—(a) *Anchorage No. 29.* To the northward of a line ranging from the south face of the Tidewater Oil Company Pier 1 to the south face of the city wharf at the foot of Ingham Avenue, Bayonne, between said wharf and the Tidewater Oil Company pier; and to the westward of the westerly rack of the Bergen Point Ferry at Bayonne, N. J.; to the northward of a line ranging from the north end of Frank McWilliams, Inc., Pier 2, West New Brighton, Staten Island, N. Y.; to the southwest corner of the pier, foot of Humphreys Avenue, Bayonne, N. J.; northward of a line ranging 258° from the inshore end of the Bergen Point Ferry at Bayonne, N. J.; thence northward of a line ranging 90° from Bergen Point Light; thence southeastward of a line running 55° to the shore at Bergen Point.

(b) *Anchorage No. 30.* To the southward of lines joining the ends of the long piers between pier of the Reinauer Transportation Companies, Inc., at Port Richmond, and the power station at Livingston Point.

(c) *Anchorage No. 31.* To the southward of a line bearing 277.5° from the northwest corner of the Standard Var-

nish Works' wharf to the north end of the pier 200 feet west of Van Pelt Avenue, Mariners Harbor, Staten Island, N. Y.

(d) *Anchorage No. 32.* To the southward of a line from the northeast corner of ruins of former Downey Shipbuilding Company wharf to Kill Van Kull Channel Lighted Buoy "11," and a line from thence to the northwest corner of Pier 7 at the foot of Mersereau Avenue, Mariners Harbor, Staten Island, N. Y.

§ 6.3-40 *Newark Bay Anchorages.*—(a) *Anchorage No. 33.* To the west of Shooters Island between a line ranging from the southwest corner of Shooters Island to the twin spires on St. Peter's and Paul's Church, Elizabethport, and a line ranging from the north side of the dike at Port Ivory, Staten Island, to the northwest corner of Shooters Island.

(b) *Anchorage No. 34.* South of the bridge of the Central Railroad of New Jersey, to the westward of a line from a point on the bridge, 100 yards west of the west pier of the west lift span to Newark Bay Channel Buoy "5," and a line from thence to the east end of the dike north of Shooters Island; to the northward of the dike and to the eastward of a line ranging from the west end of the dike to the east end of the fill of the Central Railroad of New Jersey on the west side of the bay.

(c) *Anchorage No. 35.* To the northward of Anchorage No. 29, to the eastward of a line from the center of Bergen Point Light ranging to the west pier of west lift span of the Central Railroad of New Jersey bridge to a point off the north side of the pier of The Texas Company, and of a line from thence to a point 100 yards east of the east pier of the east lift span of the railroad bridge, and south of the bridge.

(d) *Anchorage No. 36.* To the southward of Port Newark Terminal Channel, and to the westward of a line ranging from a point 200 yards west of Newark Bay Light 3 to a point 100 yards west of the west pier of the west lift span of the Central Railroad of New Jersey bridge, and north of said bridge.

(e) *Anchorage No. 37.* To the northward of the Central Railroad of New Jersey bridge and to the eastward of a line ranging from a point 200 yards east of the east pier of the east lift span of the bridge to a point 200 yards east of the east end of the lift span of the Lehigh Valley Railroad bridge, and south of the latter bridge.

(f) *Anchorage No. 38.* North of the Lehigh Valley Railroad bridge and to the eastward of the dredged channel in Newark Bay and Hackensack River as marked by red channel buoys and south of the Central Railroad of New Jersey bridge on the east side of the Hackensack River.

(g) *Anchorage No. 39.* In the area between the entrance channels of the Hackensack and Passaic Rivers to the northwestward of a line from the abutment of the Central Railroad of New Jersey bridge on the west side of the Hackensack River to Hackensack River Light 1, and of a line from thence to Newark Bay Light 5 and to the eastward of a line from said light ranging toward the southeast corner of the Texas Com-

pany wharf and a line ranging from the southeast corner of Gross' wharf to the abutment and end of fill of the Central Railroad of New Jersey bridge on the east side of the Passaic River.

§ 6.3-45 *Arthur Kill Anchorages.*—(a) *Anchorage No. 40.* To the westward of a line from the head of the southerly pier of the Standard Oil Company of New Jersey to Arthur Kill Lighted Bell Buoy "9" and a line from thence to the northerly wharf of E. I. DuPont De Nemours and Company, Inc.

(b) *Anchorage No. 41.* The passage between Pralls Island and Staten Island included between a line running 29° from the extreme northwest point of Pralls Island to a point on Staten Island and a line from the southern point of Pralls Island to the north side of the mouth of Neck Creek at Linoleumville, Staten Island.

(c) *Anchorage No. 42.* To the eastward of lines ranging from the head of the Tottenville Shipyard Company pier at Tottenville, Staten Island, to the first pier of the Outerbridge Crossing west from the Staten Island shore; thence to Arthur Kill Light "6"; thence to Arthur Kill Light "7"; and thence to Smoking Point Anchorage Buoy "A", and southward of a line from thence to Smoking Point.

(d) *Anchorage No. 43.* To the southward of the southerly pier of the Lehigh Valley Railroad coal terminals, to the westward of a line ranging from the southeast corner of the northerly pier toward the outer end of the ferry rack at Perth Amboy, and northerly of the extension of the southerly line of Fayette Street, Perth Amboy.

§ 6.3-50 *Quarantine Anchorage; Raritan Bay, New Jersey.*—(a) *Anchorage No. 44.* A quarantine anchorage for vessels is established off Perth Amboy westerly of the Raritan Bay Channel leading into Arthur Kill, northeasterly of a line extending westerly from Raritan Bay Channel Buoy "15" through Anchorage Buoy "A", easterly of a line extending 331°31' true through Great Beds Light, Cutoff Channel Light "1" and St. Peter's Church spire at Perth Amboy, and southeasterly of the Cutoff Channel between Raritan River and Arthur Kill.

(b) The following portion of Raritan Bay Quarantine Anchorage No. 44 is temporarily reserved for the anchorage of barges which are awaiting the formation of tows and which do not draw over 22 feet of water:

That portion of the Raritan Bay Quarantine Anchorage located southerly of a line extending westerly from Raritan Bay Channel Buoy "42" to Anchorage Buoy "A".

§ 6.3-55 *General anchorages; Raritan Bay, New Jersey.*—(a) *Anchorage No. 45.* Near Perth Amboy an area to westward, northward, and eastward, respectively, of the Raritan Bay Channel leading into Arthur Kill, the Raritan River Channel leading to South Amboy, and the cutoff channel between Raritan River and Arthur Kill, except that part of said area occupied by Quarantine Anchorage No. 44, described above.

(b) *Anchorage No. 45-A.* Near Perth Amboy, westward of the cutoff channel

between Raritan River and Arthur Kill, northward of the Raritan River Channel and easterly of the Central Railroad of New Jersey bridge across Raritan River, but not north of Market Street, Perth Amboy in Arthur Kill.

(c) *Anchorage No. 46.* Near Staten Island, to the westward of Lower Bay Anchorage No. 28, and to the northward of the dredged channel from the deep water of the Lower Bay to Seguin Point; in Princess Bay and off the Staten Island shore between Princess Bay and Ward Point to the northward and northwestward of Raritan Bay Channel and to the northeastward of the channel entrance to Arthur Kill.

(d) *Anchorage No. 47.* To the southward of the South Amboy Channel from opposite the Sun Oil Company pier at South Amboy to South Amboy Channel Buoy "1"; thence southward of a line in the direction of the boundary beacon to a point south of Raritan Bay light "5"; thence southward of a line through Raritan Bay Buoy "EX" to Raritan Bay Light "3"; thence southward of a line to Raritan Bay Light "2"; thence southward of the buoys marking the south side of the dredged channel off Seguin Point to the west boundary of Lower Bay Anchorage No. 28; to the westward of said Anchorage No. 28, excluding Explosive Anchorage No. 49-D (see § 6.3-65), and excluding also a channel at Keyport Harbor bounded as follows: eastward, by a line ranging from Keyport Channel Buoy "1" to Channel Buoy "9", thence to Channel Buoy "11", thence to Channel Buoy "13", thence to the northeast corner of the easterly steamboat wharf, and thence by a line from the west corner of the old steamboat wharf to a point on the shore midway between Matawan and Oyster Creeks; westward, by a line extending from a point 400 yards west of Keyport Channel Buoy "1" tangent to the west shore line at the mouth of Matawan Creek.

§ 6.3-60 *Sheepshead Bay Anchorages.*—(a) *Anchorage No. 48-A.* Within an area at the western end of the bay to the southward of a line 25 feet south of and parallel to the bulkhead wall along the south side of Emmons Avenue; to the eastward of a line 200 feet easterly of and parallel to the prolonged west side of East 15th Street; to the northward of a line 200 feet northerly of and parallel to the south side of Shore Boulevard, said line extending easterly to a point 60 feet easterly of its intersection with the prolonged easterly side of Dover Street; to the northward of a line from the last-mentioned point to a point 25 feet westerly of the prolonged west side of Ocean Avenue; and 250 feet southerly of the south side of Emmons Avenue; and to the westward of a line parallel to and 25 feet west of the prolonged west side of Ocean Avenue.

(b) *Anchorage No. 48-B.* Within an area on the north side of, and in the east end of the bay to the southward of the established United States pierhead line on the north side of the bay; to the westward of the prolonged west side of Coyle Street; to the northward of a

line from a point 90 feet south of said pierhead line in said prolonged west side of Coyle Street, ranging toward the intersection of the curb lines at the southwest corner of Shore Boulevard and Kensington Avenue; and to the northward of a line (intersecting said last-mentioned line westward of Brown Street, prolonged) extending westerly parallel to and 450 feet north of the south side of Shore Boulevard; to the northeastward of a line extending northwesterly from the point of intersection of the last-described line with the prolonged east side of East 28th Street to a point on the prolonged east side of East 27th Street and 245 feet south of the established United States Pierhead line on the north side of the bay, and to the eastward of the prolonged east side of East 27th Street.

(c) *Anchorage No. 48-C.* Within an area on the south side of the bay to the southward of a line extending from a point 300 feet northerly from the south side of Shore Boulevard (perpendicular distance) and in the prolonged west side of Hastings Street, to a point on the prolonged east side of Mackenzie Street 250 feet north of the south side of Shore Boulevard, and southward of a line extending thence easterly parallel to, and 250 feet north of, said south side of Shore Boulevard; to the westward of the prolonged west side of Coyle Street; to the northward of a line parallel to, and 150 feet north of, the south side of Shore Boulevard; and to the eastward of the prolonged west side of Hastings Street.

§ 6.3-65 *Anchorage for explosives in New Jersey Flats and Raritan Bay.*—(a) *Anchorage No. 49-B.* On the New Jersey Flats to the southward of a line drawn parallel to, and 500 yards to the south of the Black Tom dredged channel, to the westward of a line ranging from the east end of the east landing pier on Bedloes Island through Bayonne Terminal Lighted Buoy "1", Robbins Reef Lighted Gong Buoy "27" and Coast Guard Depot North Dock Light, and to the northward of a line parallel to and 400 yards north of a line ranging 131° true through Nun Buoy "2" and Main Channel Lighted Bell Buoy "29" toward a tall brick chimney near the foot of 52nd Street, Brooklyn, New York; and east of a line ranging 36° from the tall chimney located on Constable's Hook and the black stack located on the Pennsylvania Railroad Greenville yard terminal. *Provided:* That this anchorage does not include any portion of the channel marked on the northwest by Lighted Bell Buoy "2", Nun Buoy "4", Lighted Buoy "6"; and on the southeast by Can Buoy "1", Can Buoy "3", and Can Buoy "5".

(1) Vessels shall not anchor within 800 yards of Bedloes Island or within 500 yards of any pier.

(2) No vessel using this anchorage shall carry more than 20 tons of high explosives.

(3) No vessel carrying explosives of any kind shall anchor in this anchorage within 500 feet of any other vessel carrying high explosives; except that the Captain of the Port may authorize the plac-

ing of moorings not less than 500 feet apart within this area and the making fast thereto of not to exceed 3 barges at each mooring, provided the combined load of the barges at a mooring is not more than 20 tons of high explosives.

(4) Insofar as practicable, in the use of this anchorage, preference shall be given to vessels storing explosives for current consumption.

(5) In cases of great emergency and when weather conditions are such that it is impossible for barges, scows or lighters loaded with more than 20 tons of high explosives to proceed to Gravesend Bay or Raritan Bay, or lie at anchor there, such vessel may anchor temporarily in the Jersey Flats anchorage, but in each case the Captain of the Port must be immediately notified, and such vessel will not remain so anchored without his special permission.

(b) *Anchorage No. 49-D.* An anchorage in Raritan Bay for barges or lighters loaded with explosives as follows: To the southward of a line ranging 70° from Raritan Bay Buoy "EX" to West Bank Light; to the westward of a line ranging 137° from tower of former Princess Bay Light to tower of former Waackaack Light; to the northward of a line ranging 250° from Old Orchard Shoal Light to Boundary Beacon; and to the eastward of a line ranging 306° from Boundary Beacon to Raritan Bay Buoy "EX."

§ 6.3-70 *Randall Bay, Freeport, Long Island, N. Y.*—(a) *The anchorage area.* Vessels may anchor at Randall Bay to the southward of a line 312 feet south of and parallel to the south side of Casino Street; to the eastward of a line 215 feet east of and parallel to the east side of West Side Avenue, said line extending southerly to a point 233 feet north of the prolonged north side of Clinton Street; to the northeastward of a line from the last-mentioned point to a point 243 feet southerly of the prolonged south side of Clinton Street and 210 feet east of the east side of Prospect Street; to the eastward of a line 210 feet east of and parallel to the east side of Prospect Street; to the northward of a line 25 feet north of and parallel to the prolonged north side of Suffolk Street; to the westward of a line 210 feet west of and parallel to the west side of South Long Beach Avenue, said line extending northerly to a point 222 feet south of the prolonged south side of Queens Street; to the southwestward of a line from the last-mentioned point to a point 74 feet northerly of the prolonged north side of Queens Street and 120 feet west of the west side of Roosevelt Avenue; and to the westward of a line 120 feet west of and parallel to the west side of Roosevelt Avenue.

(1) The Captain of the Port is authorized to issue permits for maintaining mooring buoys within the anchorage. The method of anchoring these buoys will be prescribed by the Captain of the Port. No vessel shall anchor in the anchorage in such a manner as to in-

terfere with the use of a duly authorized mooring buoy.

(2) No vessel shall be navigated within Randall Bay at a speed exceeding 6 knots.

FRANK KNOX,
Secretary of the Navy.

Approved: March 18, 1943.

FRANKLIN D. ROOSEVELT,
The White House.

[F. R. Doc. 43-4287; Filed, March 19, 1943;
2:14 p. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts

PART 202—MINIMUM WAGE DETERMINATIONS

EMPLOYMENT OF LEARNERS AT SUBMINIMUM RATES IN DESIGNATED INDUSTRIES

In the matter of the determinations of the prevailing minimum wages in the cotton garment and allied industries, gloves and mittens industry, knitted and men's woven underwear and commercial knitting industry, seamless hosiery industry, and textile industry.

Whereas, the prevailing minimum wage determinations for the cotton garment and allied industries, issued by me on June 20, 1942, for the gloves and mittens industry, issued by me on December 16, 1942, for the knitted and men's woven underwear and commercial knitting industry, issued by me on February 3, 1942, for the seamless hosiery industry, issued by me on March 12, 1942, and for the textile industry, issued by me on May 25, 1942, provide that learners may be employed at subminimum rates in accordance with the applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act which were in effect on the respective dates of issuance of said minimum wage determinations; and

Whereas on March 10, 1943, the Administrator of the Wage and Hour Division issued Administrative Order No. 181, effective March 22, 1943, amending the learner regulations of the Wage and Hour Division applicable to the employment of learners in the hosiery industry, women's apparel industry, single pants, shirts and allied garments industry, textile industry, knitted and men's woven underwear and commercial knitting industry, knitted outerwear industry, gloves and mittens industry, and the sportswear and other odd outerwear and the belts divisions of the apparel industry, insofar as they are inconsistent with the following provisions, to be effective for the duration of the war emergency:

1. Special learner certificates may be issued upon individual applications of employers provided that it is satisfactorily shown that:

(a) Experienced labor is not available in the locality from which the employer customarily draws his labor supply;

(b) Learners are available for employment at the established subminimum learner wage rate;

(c) The issue of a certificate will not tend to impair working or wage standards established for experienced workers in the industry;

(d) The issue of such certificates will not create unfair competitive labor cost advantages;

(e) The number of learners applied for will not tend to impair the statutory minimum wage rate in such plant;

(f) The applicant's piece work or hourly wage rates yield average earnings to experienced workers substantially above the minimum wage rate.

2. The subminimum wage rate which may be provided in special learner certificates shall be not less than 35 cents per hour.

3. Authorization to employ a number or percentage of learners for labor turnover in excess of that provided in learner industry regulations, issued pursuant to § 522.4 of the regulations of the Administrator of the Wage and Hour Division and presently in effect, may be granted to the extent of the actual need of an individual applicant, when that need is due to an abnormal labor turnover resulting from the war emergency, and amending, as of March 22, 1943, certificates presently in effect in these industries insofar as they are inconsistent with paragraph 2; and

Whereas it appears advisable, for the purpose of coordinating the administration of the Fair Labor Standards Act of 1938 and the Public Contracts Act, to adopt the above amendments for the purposes of the aforementioned prevailing minimum wage determinations, insofar as said learner regulations of the Administrator of the Wage and Hour Division are presently applicable to said minimum wage determinations,

Now, therefore upon consideration of all the facts and circumstances, I hereby determine that learners may be employed at subminimum rates in the cotton garment and allied industries, in the gloves and mittens industry, in the knitted and men's woven underwear and commercial knitting industry, in the seamless hosiery industry, and in the textile industry, only in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act, as amended on March 22, 1943, which I hereby adopt for the purposes of this determination.

This determination shall be effective and its provisions shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced by the contracting agency on or after March 22, 1943, except that learners may be employed at subminimum rates, in accordance with the amended regulations of the Administrator of the Wage and Hour Division, on or after March 22, 1943, in the performance of contracts, bids for which were solicited or negotiations otherwise commenced by the contracting agency prior to that date.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under any law or agreement more favorable to employees than the requirements of this determination.

Dated: March 20, 1943.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 43-4421; Filed, March 22, 1943;
11:50 a. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[General Order 16, Supp. 8]

PART 303—CONTRACTS FOR CARRIAGE ON VESSELS OWNED OR CHARTERED BY THE WAR SHIPPING ADMINISTRATION

UNIFORM BILL OF LADING

General Order 16 (§§ 303.11 to 303.19, inclusive) is amended by adding the following paragraph at the end of Clause 3 of the Uniform Bill of Lading designated as "War Shiplading—7/1/42", as prescribed in § 303.11, *Uniform bill of lading*:¹

§ 303.11 *Uniform bill of lading*. * * *

3. * * * In view of the necessity for the expeditious employment of all the available Merchant Marine, the exercise by the carrier or master of any of the liberties granted herein with respect to loading, departure, scope of voyage, arrival, routes, ports of call, stoppage, discharge, destination, surrender, delivery, or otherwise, shall be presumed to be for the purposes of conserving and utilizing war time, sea mileage or shipping space, and therefore prima facie reasonable and necessary in the assembling, transportation or distribution of materials essential to the war effort.

(E.O. 9054, 7 F.R. 837)

E. S. LAND,
Administrator.

MARCH 20, 1943.

[F. R. Doc. 43-4341; Filed, March 20, 1943;
12:59 p. m.]

[General Order 5, Supp. 2]

PART 304—LABOR

RESTRICTION OF EMPLOYMENT OF CERTAIN FOREIGN NATIONALS

The provisions of § 304.8 *Restrictions on employment of certain foreign nationals on American flag vessels* and § 304.9 *Restriction of employment of certain foreign nationals on Panamanian and Honduran flag vessels* are merged into one section, § 304.8, and are amended to read:

§ 304.8 *Restriction of employment of certain foreign nationals on American, Panamanian and Honduran flag vessels*

¹ 7 F. R. 5246, 6566.

owned by or under bareboat or time charter to the War Shipping Administration. All owners, operators and agents of vessels owned by or under bareboat or time charter to the War Shipping Administration and documented under the laws of the United States of America or under the laws of the Republic of Panama or of the Republic of Honduras shall not employ on any such vessel:

(a) Any Norwegian, Netherlands, Belgian, Polish, Yugoslavian, Greek, or British national who was not so employed on April 8, 1942, or had not been so employed prior thereto, or

(b) Any Brazilian national who was not so employed on February 1, 1943, or had not been so employed prior thereto, except by consent of a properly accredited consular representative of the nation involved.

(E.O. 9054, 7 F.R. 837)

[SEAL]

E. S. LAND,
Administrator.

MARCH 19, 1943.

[F. R. Doc. 43-4311; Filed, March 20, 1943;
10:42 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order 188]

MATTRESS, BEDDING, AND RELATED PRODUCTS INDUSTRY

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE NO. 54

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignation of Mr. L. D. Hammack from Industry Committee No. 54 for the Mattress, Bedding, and Related Products Industry, and do appoint in his stead Mr. Walter J. Schob of Philadelphia, Pennsylvania, as representative for the employers on such committee.

Signed at New York, New York this 20th day of March, 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-4362; Filed, March 22, 1943;
9:33 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section

14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective March 22, 1943.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Colette Manufacturing Company, of Santurce, Puerto Rico, to employ fifty-five (55) learners in the operations known as Covering elastics, Machine knotting and Machine clipping at 15¢ an hour for the first 240 hours; 22½¢ an hour for the second 240 hours, and 25¢ an hour for every hour thereafter. Examining at 15¢ an hour for the first 320 hours; 22½¢ an hour for the second 320 hours, and 25¢ an hour for every hour thereafter. Knotting at 15¢ an hour for the first 480 hours; 20¢ an hour for the second 480 hours; and 25¢ an hour for every hour thereafter. Spooling at 15¢ an hour for the first 480 hours; 22½¢ an hour for the second 480 hours; and 25¢ an hour for every hour thereafter. Warping at 15¢ an hour for the first 480 hours; 17½¢ an hour for the second 480; 20¢ an hour for the third 480 hours; 22½¢ an hour for the fourth 480 hours, and 25¢ an hour for every hour thereafter. Knitting at 15¢ an hour for the first 240 hours; 20¢ an hour for the second 240 hours, and 25¢ an hour for every hour thereafter. For all hours over forty worked in any one workweek, one and one-half times the applicable piece rate established herein, whichever is the higher, shall be paid. This certificate effective January 15, 1943 and shall remain in effect for a period not exceeding six months thereafter.

Aurele M. Gatti, Inc. of Guayama, Puerto Rico, to employ forty-five learners in the operation known as making the "V" cavity in the manufacture of "V" type jewel bearings, at the rate of 12½¢ an hour for the first 480 hours; 18¢ an hour for the second 480 hours; 25¢ an hour for the third 480 hours, and 30¢ an hour for every hour thereafter. For all hours over forty worked in any one workweek, one and one half times the applicable piece rate or the rate established herein, whichever is the higher, shall be paid. This certificate effective on November 17, 1942 and shall remain in effect for a period not exceeding one year thereafter.

Puerto Rico Mills, Inc. of Puerta de Tierra, Puerto Rico; To employ seventy-seven (77) learners in the operations

known as Legging, Seaming, Looping, Topping, Footing, Winding at 10¢ an hour for the first 480 hours; 12½¢ an hour for the second 480 hours; 15¢ an hour for the third 480 hours; 18¼¢ an hour for the fourth 480 hours, and 25¢ an hour for every hour thereafter. Final Inspection, Foot Inspection, Leg Inspection, Mending at 12½¢ an hour for the first 480 hours; 18¼¢ an hour for the second 480 hours, and 25¢ an hour for every hour thereafter. For all hours over forty worked in any one workweek, one and one-half times the applicable piece rate or the rate established herein, which ever is the higher, shall be paid. This certificate effective January 1, 1943 and shall remain in effect for a period not exceeding six months.

Signed at New York, N. Y., this 20th day of March 1943.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 43-4363; Filed, March 22, 1943;
9:33 a. m.]

LEARNER EMPLOYMENT CERTIFICATES ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order of regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940, (5 F.R. 3591), as amended by Administrative Order March 13, 1943, (8 F.R. 3079).
Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942, (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).
Glove Findings and Determination of February 20, 1940, as amended by Administrative Order, September 20, 1940 (5 F.R. 3748), and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3580), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).
Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the determination and order of regulation for the industry designated above and indicated opposite the employer's name. These certificates become effective March 22, 1943. The certificate may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

H. Bomze & Brother, 1029 Arch Street, Philadelphia, Pennsylvania; Ladies' rayon and cotton dresses; 10 percent (T); March 22, 1944.

Gort Girls Frocks, Incorporated, 75 Stark Street, Wilkes Barre, Pennsylvania; Children's dresses and playsuits; 10 percent (T); March 22, 1944.

Miller Corsets, Incorporated, 10 Chapin Street, Canandaigua, New York; Corsets, girdles, foundation garments; 10 percent (T); March 22, 1944.

Knitted Wear Industry

The Trion Company, Knitting Department, Trion, Georgia; Knitted underwear and commercial knitting; 3 learners (T); March 22, 1944.

Hosiery Industry

The following certificates, which incorporate the new Seamless Hosiery Industry minimum learner rate of 35 cents an hour, are issued to correct and replace the certificates now held by the firms listed below, the expiration dates remaining unchanged.

Acme Hosiery Mills, North Street, Asheboro, North Carolina; Seamless hosiery; 10 percent (T); June 1, 1943.

Adams-Millis Corporation, High Point, North Carolina; Seamless hosiery; 5 percent (T); December 17, 1943.

Adams-Millis Corporation, Mill #2, Grimes Street, High Point, North Carolina; Seamless hosiery; 5 percent (T); December 17, 1943.

Adams-Millis Corporation, Mill #3, Washington Street, High Point, North Carolina; Seamless hosiery; December 17, 1943, 5 percent (T).

Adams-Millis Corporation, Mill #8, Tryon, North Carolina; Seamless hosiery; 5 percent (T); December 17, 1943.

Adams-Millis Corporation, Mill #4, Bodenheimer Street, Kernersville, North Carolina; Seamless hosiery; December 17, 1943, 5 percent (T).

Adams-Millis Corporation, Mill #7, English Street, High Point, North Carolina; Seamless hosiery; December 17, 1943, 5 percent (T).

The Alden Mills, 2308 Chartres Street, New Orleans, Louisiana; Seamless hosiery; 5 percent (T); February 8, 1944.

The Alden Mills, Meridian, Mississippi; Seamless hosiery; 5 percent (T); December 10, 1943.

Altamahaw Hosiery Mills, Altamahaw, North Carolina; Seamless hosiery; 5 learners (T); December 21, 1943.

Amos Hosiery Mills, 328 Mangun Avenue, High Point, North Carolina; Seamless hosiery; 5 percent (T); November 30, 1943.

Ashe Hosiery Mills, 642 N. Gay Street, Knoxville, Tennessee; Seamless hosiery; 5 percent (T); November 30, 1943.

Atlanta Hosiery Mills, 231 Oakland Avenue, S. E., Atlanta, Georgia; Seamless hosiery; 5 percent (T); October 5, 1943.

Charles H. Bacon Company, Lenoir City, Tennessee; Seamless hosiery; 5 percent (T); November 12, 1943.

Charles H. Bacon Company, Loudon, Tennessee; Seamless hosiery; 5 percent (T); October 26, 1943.

Baker-Cammack Hosiery Mills, Inc., Webb Avenue, Burlington, North Carolina; Seamless hosiery; 5 percent (T); November 19, 1943.

Baker-Mebane Hosiery Mills, Highway 103 Mebane, North Carolina; Seamless hosiery; 5 percent (T); December 10, 1943.

Bales Hosiery Corporation, 2562 English Street, High Point, North Carolina; Seamless hosiery; 5 learners (T); November 19, 1943.

Barber Hosiery Mills, Inc., South Main Street, Mt. Airy, North Carolina; Seamless hosiery; 5 percent (T); November 19, 1943.

Barnett Hosiery Mills, Taylorsville, North Carolina; Seamless hosiery; 5 learners (T); October 8, 1943.

Bear Brand Hosiery Company, Kankakee, Illinois; Seamless hosiery; 5 percent (T); November 2, 1943.

Bear Brand Hosiery Company, 1300 Washington Street, Henderson, Kentucky; Seamless hosiery; 5 percent (T); November 2, 1943.

Bear Brand Hosiery Company, 205 East 21st Street, Gary, Indiana; Seamless hosiery; 5 percent (T); November 2, 1943.

Belknap Mills Corporation, 37 Mill Street, Laconia, New Hampshire; Seamless hosiery; 5 percent (T); June 1, 1943.

Bell Hosiery Corporation, 200 Johnson Avenue, Suffolk, Virginia; Seamless hosiery; 10 percent (T); March 30, 1943.

Belle Meade Hosiery Mills, Inc., 51st and Centennial Boulevard, Nashville, Tennessee; Seamless hosiery; 5 learners (T); July 9, 1943.

Belmont Hosiery Mills, Inc., Belmont, North Carolina; Seamless hosiery; 5 percent (T); November 30, 1943.

Beloit Hosiery Company, 206 Wheeler Avenue, South Beloit, Illinois; Seamless hosiery; 5 percent (T); October 1, 1943.

Berton Hosiery Mills, Granite Falls, North Carolina; Seamless hosiery; 3 learners (T); August 6, 1943.

Bisher Hosiery Mill, Denton, North Carolina; Seamless hosiery; 5 learners (T); November 12, 1943.

Black Hosiery Mills Company, Midland, North Carolina; Seamless hosiery; 5 learners (T); September 28, 1943.

Joseph Black & Sons Company, 1200 W. Market Street, York, Pennsylvania; Seamless hosiery; 10 percent (T); April 13, 1943.

Black Mountain Hosiery Mills, Inc., Black Mountain Avenue, Black Mountain, North Carolina; Seamless hosiery; 5 learners (T); October 12, 1943.

Blackstone Hosiery Mills, Inc., Valdese, North Carolina; Seamless hosiery; 5 percent (T); October 29, 1943.

Boone Hosiery Mill, 815 S. Hamilton Street, High Point, North Carolina; Seamless hosiery; 5 learners (T); August 3, 1943.

Bowman Knitting Mills, East Street, Hickory, North Carolina; Seamless hosiery; 5 learners (T); January 7, 1944.

Brown Bros. Hosiery Mills, 1208 Second Street, Hickory, North Carolina; Seamless hosiery; 5 percent (T); November 12, 1943.

Browns Hosiery Mills, Inc., 102 E. Holt Street, Burlington, North Carolina; Seamless hosiery; 5 learners (T); November 16, 1943.

Burke Hosiery Mills, 1017 Filbert Street, Philadelphia, Pennsylvania; Seamless hosiery; 3 learners (T); August 3, 1943.

Burson Knitting Company, South Main and Cedar Streets, Rockford, Illinois; Seamless hosiery; 5 percent (T); October 1, 1943.

Browning Hosiery Mills, Bridgeport, Alabama; Seamless hosiery; 5 learners (T); September 28, 1943.

C & M Hosiery Mills, Inc., 100-4 South Hanover Street, Baltimore, Maryland; Seamless hosiery; 5 learners (T); September 28, 1943.

Caldwell Hosiery Mills, Inc., Granite Falls, North Carolina; Seamless hosiery; 4 learners (T); November 30, 1943.

Carmichael Hosiery Mills, McDonough, Georgia; Seamless hosiery; 5 learners (T); September 28, 1943.

Carpenter Hosiery Mills, Madison Street, Wytheville, Virginia; Seamless hosiery; 5 learners (T); November 30, 1943.

Century Hosiery Corporation, Webb Avenue, Burlington, North Carolina; Seamless hosiery; 5 percent (T); October 5, 1943.

Charleston Hosiery Processing Company, Charleston, Tennessee; Seamless hosiery; 5 learners (T); August 31, 1943.

Cherokee Hosiery Mill, 242 Highland Avenue, Hickory, North Carolina; Seamless hosiery; 5 learners (T); April 13, 1943.

Cherokee Hosiery Company, Edwards St., Cleveland, Tennessee; Seamless hosiery; 5 percent (T); November 26, 1943.

Childers Hosiery Mills, Hildebran, North Carolina; Seamless hosiery; 5 learners (T); April 13, 1943.

Chipman LaCrosse Hosiery Mills Co., Inc., East Flat Rock, North Carolina; Seamless hosiery; 5 learners (T); October 1, 1943.

Clayson Knitting Company, Star, North Carolina; Seamless hosiery; 5 learners (T); October 15, 1943.

Clayton Hosiery Mills, Inc., 95 Bridge Street, Lowell, Massachusetts; Seamless hosiery; 5 learners (T); October 8, 1943.

Cleveland Hosiery Mills, Inc., 208 Central Avenue, Cleveland, Tennessee;

Seamless hosiery; 5 learners (T); October 29, 1943.

Climax Hosiery Mills, Inc., Oconee Street, Athens, Georgia; Seamless hosiery; 5 percent (T); June 15, 1943.

J. A. Cline & Son, Hildebran, North Carolina; Seamless hosiery; 5 percent (T); October 1, 1943.

Cohen Hosiery Company, 228 E. Sycamore Street, Greensboro, North Carolina; Seamless hosiery; 5 percent (T); December 3, 1943.

Conover Knitting Company, Ashe Avenue, Newton, North Carolina; Seamless hosiery; 5 percent (T); July 13, 1943.

Conover Knitting Company, Conover, North Carolina; Seamless hosiery; 5 percent (T); July 13, 1943.

Continental Hosiery Company, Dabney Road, Henderson, North Carolina; Seamless hosiery; 5 learners (T); September 28, 1943.

Commonwealth Hosiery Mills, Ellerbe, North Carolina; Seamless hosiery; 5 percent (T); August 3, 1943.

Mrs. C. H. Cowan, 35 Branford Place, Newark, New Jersey; Seamless hosiery; 2 learners (T); October 29, 1943.

Cranwell-Lee Hosiery Mills, Pikeville, Tennessee; Seamless hosiery; 5 learners (T); December 7, 1943.

Crescent Hosiery Mills, Niota, Tennessee; Seamless hosiery; 5 percent (T); November 12, 1943.

Crescent Knitting Company, Armfield Street, Statesville, North Carolina; Seamless hosiery; 5 percent (T); December 14, 1943.

Crown Hosiery Mills, Inc., 426 S. Hamilton Street, High Point, North Carolina; Seamless hosiery; 5 percent (T); November 30, 1943.

Crystal Hosiery Mill, Peacock Avenue, Denton, North Carolina; Seamless hosiery; 5 learners (T); July 13, 1943.

Culpepper Hosiery Mills, 855 Jefferson Ext., Danville, Virginia; Seamless hosiery; 5 learners (T); December 10, 1943.

D S & W Hosiery Company, 1130 Moss Street, Reading, Pennsylvania; Seamless hosiery; 5 percent (T); November 19, 1943.

Damascus Hosiery Mills, Inc., Damascus, Virginia; Seamless hosiery; 5 learners (T); October 12, 1943.

Danville Knitting Mills, Lynn and Newton Streets, Danville, Virginia; Seamless hosiery; 5 percent (T); October 8, 1943.

John B. Davidson Woolen Mills, Inc., Eaton Rapids, Michigan; Seamless hosiery; 5 learners (T); September 28, 1943.

W. B. Davis & Son, Inc., Eighth Street, Fort Payne, Alabama; Seamless hosiery; 5 percent (T); October 8, 1943.

Dayton Hosiery Manufacturing Company, Dayton, Tennessee; Seamless hosiery; 5 percent (T); December 21, 1943.

Dependable Hosiery Mills, Inc., Liberty, North Carolina; Seamless hosiery; 5 learners (T); December 7, 1943.

Dixie Hosiery Mills, Inc., Mount Gilead, North Carolina; Seamless hosiery; 5 learners (T); January 4, 1944.

Dixie Hosiery Mills, Inc., 430 West Church Street, Newport, Tennessee; Seamless hosiery; 5 learners (T); August 24, 1943.

Dobson Hosiery Mills, Pulaski, Virginia; Seamless hosiery; 5 percent (T); November 12, 1943.

Dolly Hosiery Mills, Inc., Valdese, North Carolina; Seamless hosiery; 5 learners (T); November 16, 1943.

Drexel Knitting Mills Company, Drexel, North Carolina; Seamless hosiery; 10 percent (T); June 25, 1943.

Early Bird Hosiery Mills, Airport Road, Hickory, North Carolina; Seamless hosiery; 5 learners (T); February 1, 1944.

Efland Knitting Company, Efland, North Carolina; Seamless hosiery; 5 learners (T); July 13, 1943.

Elliott Knitting Mills, Inc., Catawba, North Carolina; Seamless hosiery; 5 percent (T); November 12, 1943.

Elliott Knitting Mills, Inc., 8th Street, Hickory, North Carolina; Seamless hosiery; 10 percent (T); June 1, 1943.

Ellis Hosiery Mills, Lenoir Highway, Hickory, North Carolina; Seamless hosiery; 5 percent (T); October 8, 1943.

Elmo Hosiery Mill, 3804 Saint Elmo Avenue, Chattanooga, Tennessee; Seamless hosiery; 2 learners (T); September 14, 1943.

Espy Hosiery Mills, Inc., Espy, Pennsylvania; Seamless hosiery; 5 learners (T); October 19, 1943.

Excel Hosiery Mills, Union, South Carolina; Seamless hosiery; 10 percent (T); June 8, 1943.

Farmers Mill, Carrollton, Georgia; Ankle; 8 learners (T); October 4, 1943.

Fay Hosiery Mills, Inc., East Avenue, Elyria, Ohio; Seamless hosiery; 5 learners (T); October 26, 1943.

John L. Fead & Sons, 1635 Poplar Street, Port Huron, Michigan; Seamless hosiery; 10 percent (T); June 8, 1943.

Fidelity Hosiery Mills, Inc., Shamokin, Pennsylvania; Seamless hosiery; 5 percent (T); October 1, 1943.

Ft. Payne Hosiery Mills, Inc., Ft. Payne, Alabama; Seamless hosiery; 5 learners (T); August 24, 1943.

Fremont Hosiery Mills, Thomasville, North Carolina; Seamless hosiery; 5 percent (T); November 12, 1943.

Full-Knit Hosiery Mills, Highway 70, Burlington, North Carolina; Seamless hosiery; 21 learners (E); April 10, 1943.

G. & H. Hosiery Company, Inc., 801 Eighth Ave. & 23rd Street, Hickory, North Carolina; Seamless hosiery; 5 percent (T); October 15, 1943.

Galax Knitting Company, Inc., Virginia Street, Galax, Virginia; Seamless hosiery; 5 percent (T); November 19, 1943.

Gann Hosiery Mill, Durham, North Carolina; Seamless hosiery; 5 learners (T); April 13, 1943.

Garon's Knitting Mills, 101 N. 30th Avenue W., Duluth, Minnesota; Seamless hosiery; 3 learners (T); September 7, 1943.

Gehman Knitting Mill, Bally, Pennsylvania; Seamless hosiery; 5 learners (T); May 11, 1943.

Georgia Hosiery Mills, N. Main Street, Blakely, Georgia; Seamless hosiery; 5 learners (T); November 2, 1943.

Gilman's Hosiery, West Bow Street, Franklin, New Hampshire; Seamless hosiery; 1 learner (T); June 22, 1943.

Glenn Hosiery Company, Kivett Drive, High Point, North Carolina; Seamless hosiery; 10 percent (T); June 8, 1943.

Goldston Hosiery Mill, Inc., Goldston, North Carolina; Seamless hosiery; 5 learners (T); June 15, 1943.

Grace Hosiery Mills, Inc., Tucker Street, Burlington, North Carolina; Seamless hosiery; 5 learners (T); November 30, 1943.

Grantville Mills, Grantville, Georgia; Seamless hosiery; 5 percent (T); August 3, 1943.

Graysville Hosiery Mill, 125 East Main Street, Dayton, Tennessee; Seamless hosiery; 5 percent (T); September 24, 1943.

Great American Knitting Mills, Inc., Bechtelsville & Bally, Pennsylvania; Seamless hosiery; 5 percent (T); October 5, 1943.

Grey Hosiery Mills, 305 Fourth Avenue, East Hendersonville, North Carolina; Seamless hosiery; 5 percent (T); November 9, 1943.

Guilford Hosiery Mills, 706 Grimes Street, High Point, North Carolina; Seamless hosiery; 10 percent (T); May 25, 1943.

Lawler Hosiery Mills, Inc., Bradley Street, Carrollton, Georgia; Seamless hosiery; 28 learners (E); April 10, 1943.

Lawler Hosiery Mills, Inc., 53 Bradley Street, Carrollton, Georgia; Seamless hosiery; 5 percent (T); November 23, 1943.

Hosiery Department of Mauney Mills, Inc., Railroad Avenue, Kings Mountain, North Carolina; Seamless hosiery; 5 learners (T); July 20, 1943.

H. R. H. Silk Hosiery Mills of Illinois, Third & Spring Streets, Quincy, Illinois; Seamless hosiery; 5 learners (T); November 5, 1943.

H. R. H. Silk Hosiery Mills, Inc., 1127 North Morley Street, Moberly, Missouri; Seamless hosiery; 5 learners (T); November 9, 1943.

Hafer Hosiery Mills, #2 Hickory, North Carolina; Seamless hosiery; 5 learners (T); April 13, 1943.

Hafer Hosiery Mills, Valley Street, Hickory, North Carolina; Seamless hosiery; 5 percent (T); October 1, 1943.

Halifax County Hosiery Mills, Scotland Neck, North Carolina; Seamless hosiery; 5 percent (T); December 21, 1943.

Halton Hosiery Mill, 918 Millis Street, High Point, North Carolina; Seamless hosiery; 5 learners (T); August 20, 1943.

Hand Knit Hosiery Company, 1319 14th Street, Sheboygan, Wisconsin; Seamless hosiery; 5 percent (T); December 7, 1943.

Harriman Hosiery Mills, Harriman, Tennessee; Seamless hosiery; 10 percent (T); July 9, 1943.

Harriss and Covington Hosiery Mills, Inc., 308 Oak Street, High Point, North Carolina; Seamless hosiery; 10 percent (T); June 1, 1943.

Herbert Hosiery Mills, Inc., Penn & Arch Sts. & Washington & Noble Sts., Morristown, Pennsylvania; Seamless hosiery; 10 percent (T); June 29, 1943.

Hewitt Hosiery Mills, Depot Street, Marion, North Carolina; Seamless hosiery; 5 learners (T); February 1, 1944.

Hickory Knitting Mills, Hickory, North Carolina; Seamless hosiery; 5 learners (T); October 1, 1943.

Hillsboro Hosiery Mills, Inc., Hillsboro, New Hampshire; Seamless hosiery; 5 percent (T); September 3, 1943.

Hiwassee Hosiery Mill, Inc., Edwards Street, Cleveland, Tennessee; Seamless hosiery; 10 learners (T); July 13, 1943.

Holeproof Hosiery Co., Roselane Street, Marietta, Georgia; Seamless hosiery; 5 percent (T); April 27, 1943.

Hollar Hosiery Mills, Hickory, North Carolina; Seamless hosiery; 5 learners (T); May 28, 1943.

Holston Manufacturing Company, Ninth and Mitchell Streets, Knoxville, Tennessee; Seamless hosiery; 5 percent (T); October 12, 1943.

Hope Hosiery Mills, Willow Street, Adamstown, Pennsylvania; Seamless hosiery; 2 learners (T); March 30, 1943.

Hose, Inc., Sweetwater, Tennessee; Seamless hosiery; 4 learners (T); June 1, 1943.

The House of Byer, Inc., 18 Ames Street, Cambridge, Massachusetts; Seamless hosiery; 5 learners (T); November 26, 1943.

Hub Hosiery Mills, Perkins Street, Lowell, Mass.; Seamless hosiery; 5 percent (T); November 19, 1943.

Wm. L. Hyman Hosiery Mill, Locust Street, Ephrata, Pennsylvania; Seamless hosiery; 5 learners (T); February 4, 1944.

Illinois Knitting Company, South 12th Street, Mt. Vernon, Illinois; Seamless hosiery; 5 percent (T); November 12, 1943.

Imperial Hosiery Mills, Inc., Mocksville, North Carolina; Seamless hosiery; 5 learners (T); October 26, 1943.

Industrial Hosiery Mills, Inc., 424 Guilford Street, Lebanon, Pennsylvania; Seamless hosiery; 10 percent (T); March 30, 1943.

Industrial Hosiery Mills, Inc., Summit & Chestnut Streets, Mohnton, Pennsylvania; Seamless hosiery; 5 learners (T); April 27, 1943.

Infants Socks, Incorporated, Brown & Catherine Streets, Middletown, Pennsylvania; Seamless hosiery; 5 learners (T); November 26, 1943.

Infants Socks, Incorporated, Eufaula, Alabama; Seamless hosiery; 5 percent (T); October 12, 1943.

Infants Socks, Inc., 235 Superior Street, Fond du Lac, Wisconsin; Seamless hosiery; 5 percent (T); October 22, 1943.

Interwoven Stocking Company, Berkeley Springs, West Virginia; Seamless hosiery; 5 percent (T); October 19, 1943.

Interwoven Stocking Company, Third and King Street, Chambersburg, Pennsylvania; Seamless hosiery; 5 percent (T); October 15, 1943.

Interwoven Stocking Company, 200 North Prospect Street, Hagerstown, Maryland; Seamless hosiery; 5 percent (T); October 15, 1943.

Interwoven Stocking Company, Martinsburg, West Virginia; Seamless hosiery; 5 percent (T); October 26, 1943.

Interwoven Stocking Company, Morristown, Tennessee; Seamless hosiery; 5 percent (T); August 17, 1943.

Invincible Hosiery Mill, 213 Pearl Street, Reading, Pennsylvania; Seamless hosiery; 3 learners (T); January 11, 1944.

Irving Knitting Mills, Lexington, North Carolina; Seamless hosiery; 4 learners (T); April 27, 1943.

W. E. Isle Company, 1121 Grand Avenue, Kansas City, Missouri; Seamless

hosiery; 3 learners (T); November 19, 1943.

Jackson Hosiery Mills, Inc., English Street, High Point, North Carolina; Seamless hosiery; 5 learners (T); November 19, 1943.

James Knitting Mills, 25th Street, Hickory, North Carolina; Seamless hosiery; 5 learners (T); December 28, 1943.

C. D. Jessup & Company, Claremont, North Carolina; Seamless hosiery; 5 learners (T); October 8, 1943.

Josephine Mills, Inc., Elizabeth Drive, Marion, North Carolina; Seamless hosiery; 5 percent (T); December 14, 1943.

Juvenile Hosiery Mills, Inc., Valley Park Drive, Greensboro, North Carolina; Seamless hosiery; 15 learners (E); June 5, 1943.

K. W. Knitting Mill, Rear 34 W. Wyomissing Ave., Mohnton, Pennsylvania; Seamless hosiery; 5 percent (T); May 4, 1943.

O. E. Kearns & Son, South Hamilton St., High Point, North Carolina; Seamless hosiery; 5 percent (T); June 1, 1943.

Kiser Hosiery Mills, Highway 70—East Hickory, Hickory, North Carolina; Seamless hosiery; 3 learners (T); April 9, 1943.

Kiser Hosiery Mill, Highway #70, East Hickory, North Carolina; Seamless hosiery; 5 learners (T); December 17, 1943.

J. H. Kissinger Knitting Company, Inc., Market Street, Millersburg, Pennsylvania; Seamless hosiery; 5 learners (T); January 14, 1944.

Knit Sox Hosiery Mills, Highland Avenue, Hickory, North Carolina; Seamless hosiery; 5 learners (T); January 4, 1944.

Koonts Hosiery Mill, Route #3, Lexington, North Carolina; Seamless hosiery; 5 learners (T); August 17, 1943.

Kreider Manufacturing Company, White Oak Street, Annville, Pennsylvania; Seamless hosiery; 5 percent (T); March 30, 1943.

J. W. Landenberger & Co., Castor and Kensington Aves., Philadelphia, Pennsylvania; Seamless hosiery; 5 percent (T); April 27, 1943.

Leicester Leftex Hosiery Mills, Inc., 1083 Washington Ave., Bronx, New York; Seamless hosiery; 5 learners (T); April 13, 1943.

Wm. G. Leininger Knitting Co., Komet Plant, Mohnton, Pennsylvania; Seamless hosiery; 5 learners (T); November 9, 1943.

Wm. G. Leininger Knitting Company, Main Mill, Mohnton, Pennsylvania; Seamless hosiery; 5 percent (T); November 5, 1943.

Wm. G. Leininger Knitting Co., Lyons Plant, Lyons, Pennsylvania; Seamless hosiery; 5 learners (T); November 5, 1943.

Wm. G. Leininger Knitting Company, Inc., Wilton Plant, Mohnton, Penn.; Seamless hosiery; 5 learners (T); November 5, 1943.

Wm. G. Leininger Knitting Co., Inc., Eshelman Plant, Mohnton, Pennsylvania; Seamless hosiery; 5 learners (T); November 5, 1943.

Lincoln Hosiery Company, Lincoln, Pennsylvania; Seamless hosiery; 5 learners (T); October 1, 1943.

The Locke Hosiery Mills, 4937 Mulberry Street, Philadelphia, Pennsylvania;

Seamless hosiery; 5 learners (T); November 30, 1943.

Lykens Hosiery Mills, Lykens, Pennsylvania; Seamless hosiery; 3 learners (T); August 24, 1943.

Lynchburg Hosiery Mills, Inc., Lynchburg, Virginia; Seamless hosiery; 10 percent (T); June 29, 1943.

Lynne Hosiery Mills, Inc., N. South Street, Mt. Airy, North Carolina; Seamless hosiery; 5 learners (T); July 23, 1943.

Lynne Hosiery Mills, Inc., N. South Street, Mt. Airy, North Carolina; Seamless hosiery; 5 learners (T); August 31, 1943.

Lutz Hosiery Mill, 107 Boundry St., Lenoir, North Carolina; Seamless hosiery; 10 learners (T); June 1, 1943.

Mac Hosiery Mill, Granite Falls, North Carolina; Seamless hosiery; 2 learners (T); October 12, 1943.

Magnet Mills, Inc., Lake City, Tennessee; Seamless hosiery; 5 learners (T); November 2, 1943.

Marion Hosiery Mills, 117 W. Court St., Marion, North Carolina; Seamless hosiery; 10 percent (T); June 22, 1943.

Marlow Hosiery Mill, Hickory, North Carolina, Route 3; Seamless hosiery; 3 learners (T); September 28, 1943.

Martinat Hosiery Mills, Inc., Valdese, North Carolina; Seamless hosiery; 5 percent (T); February 8, 1944.

Maryon Hosiery Mill, 12 Aycock Street, Carrollton, Georgia; Seamless hosiery; 5 learners (T); February 8, 1944.

Maurice Mills Company, Inc., Taylor Street, Thomasville, North Carolina; Seamless hosiery; 5 percent (T); November 2, 1943.

May Hosiery Mills, 436 Houston Street, Nashville, Tennessee; Seamless hosiery; 5 percent (T); June 29, 1943.

B. C. & C. W. Mayo, 402 Chestnut Street, Tarboro, North Carolina; Seamless hosiery; 5 percent (T); July 27, 1943.

Miller White Hosiery Mill, Taylorsville, North Carolina; Seamless hosiery; 5 learners (T); August 17, 1943.

Millheim Hosiery Mills, Inc., Millheim, Pennsylvania; Seamless hosiery; 5 percent (T); November 2, 1943.

Milne Hosiery Mills, South Broad Street, Cleveland, Tennessee; Seamless hosiery; 5 learners (T); February 4, 1944.

Monarch Hosiery Mill, Webb Avenue, Burlington, North Carolina; Seamless hosiery; 5 learners (T); April 13, 1943.

Montgomery Knitting Mill, Commerce Street, Summerville, Georgia; Seamless hosiery; 10 percent (T); July 13, 1943.

Moers Mills, Inc., Watertown, Tennessee; Seamless hosiery; 25 learners (E); June 22, 1943.

Moreland Knitting Mills, Moreland, Georgia; Seamless hosiery; 5 percent (T); January 25, 1944.

Morris Hosiery Mills, Denton, North Carolina; Seamless hosiery; 5 learners (T); September 24, 1943.

Morristown Knitting Mills, Inc., Dandridge, Tennessee; Seamless hosiery; 10 percent (T); June 29, 1943.

Morristown Knitting Mills, Inc., Morristown, Tennessee; Seamless hosiery; 5 percent (T); October 22, 1943.

Morristown Knitting Mills, Inc., White Pine, Tennessee; Seamless hosiery; 5 percent (T); October 22, 1943.

Mountain Hosiery Mills, Englewood, Tennessee; Seamless hosiery; 5 learners (T); July 13, 1943.

Mountcastle Knitting Company, Inc., Salisbury Street, Lexington, North Carolina; Seamless hosiery; 5 learners (T); October 5, 1943.

Mountcastle Knitting Company, Inc., Salisbury Street, Lexington, North Carolina; Seamless hosiery; 12 learners (T); May 28, 1943.

Mt. Mitchell Hosiery Mills, Inc., 53 Burton Street, Asheville, North Carolina; Seamless hosiery; 5 learners (T); February 8, 1944.

Mt. Pleasant Hosiery Mills, Inc., Mt. Pleasant, North Carolina; Seamless hosiery; 5 learners (T); April 13, 1943.

Murray Hosiery Mills, Inc., S. 4th Street, Murray, Kentucky; Seamless hosiery; 10 percent (T); June 8, 1943.

McAllister Hosiery Mills, Inc., 45th St., Chattanooga, Tennessee; Seamless hosiery; 5 percent (T); October 29, 1943.

McDonough Hosiery Mills, Inc., 110 Sims Street, McDonough, Georgia; Seamless hosiery; 5 learners (T); November 23, 1943.

McLaurin Hosiery Mills, Inc., 150 N. Park Street, Asheboro, North Carolina; Seamless hosiery; 5 percent (T); January 21, 1944.

McMillan Hosiery Company, Westbridge Road, Greensboro, North Carolina; Seamless hosiery; 4 learners (T); September 28, 1943.

McPar Hosiery Mill, Inc., 110 W. Henderson St., Marion, North Carolina; Seamless hosiery; 3 learners (T); January 11, 1944.

Nelson Knitting Company, 909 S. Main Street, Rockford, Illinois; Seamless hosiery; 5 percent (T); October 12, 1943.

Newman Hosiery Mills, Inc., Berry Avenue, Newman, Georgia; Seamless hosiery; 5 percent (T); November 16, 1943.

Newport Hosiery Mills, Newport, Pennsylvania; Seamless hosiery; 2 learners (T); March 30, 1943.

Newton Knitting Mills, Newton, North Carolina; Seamless hosiery; 5 learners (T); September 28, 1943.

Norris Hosiery Mills, Bell Buckle, Tennessee; Seamless hosiery; 5 learners (T); September 7, 1943.

Norris Hosiery Mill, 2806 Docley Street, Cleveland, Tennessee; Seamless hosiery; 5 learners (T); October 26, 1943.

Nolde & Horst Company of Tennessee, McMinnville, Tennessee; Seamless hosiery; 5 percent (T); October 1, 1943.

Parker Hosiery Mills, Hickory, North Carolina; Seamless hosiery; 5 learners (T); April 13, 1943.

Park Hosiery Mills, Carthage, North Carolina; Seamless hosiery; 5 learners (T); December 3, 1943.

Pasquotank Hosiery Company, Sixth Street, Elizabeth City, North Carolina; Seamless hosiery; 5 learners (T); August 17, 1943.

Paul Knitting Mills, Commerce at LaGrange, Pulaski, Virginia; Seamless hosiery; 10 percent (T); July 13, 1943.

Peerless Hosiery Mills, Inc., Anthony Street, Burlington, North Carolina; Seamless hosiery; 5 learners (T); October 22, 1943.

Philadelphia Hosiery Mills, Philadelphia, Tennessee; Seamless hosiery; 5 percent (T); July 13, 1943.

Pickett Hosiery Mills, Inc., Trade Street, Burlington, North Carolina; Seamless hosiery; 5 percent (T); October 5, 1943.

Pocono Hosiery Mills, 49 Prospect Street, East Stroudsburg, Pennsylvania; Seamless hosiery; 5 learners (T); October 19, 1943.

Portage Hosiery Company, 107 E. Mullett Street, Portage, Wisconsin; Seamless hosiery; 5 percent (T); October 26, 1943.

Ragan Knitting Company, 7 Cox Avenue, Thomasville, North Carolina; Seamless hosiery; 5 percent (T); October 1, 1943.

Rambo & Regar, Inc., Main below Ford Street, Norristown, Pennsylvania; Seamless hosiery; 5 percent (T); November 5, 1943.

Renfro Hosiery Mills, Mt. Airy, North Carolina; Seamless hosiery; 5 percent (T); October 1, 1943.

Richmond Hosiery Mills, West Gordon Avenue, Rossville, Georgia; Seamless hosiery; 5 percent (T); December 31, 1943.

The Robbins Knitting Company, Spruce Pine, North Carolina; Seamless hosiery; 5 percent (T); September 28, 1943.

Robinson Mfg. Co., Elizabeth City Hosiery Mill Div., Elizabeth City, North Carolina; Seamless hosiery; 5 percent (T); November 30, 1943.

Rockford Mitten & Hosiery Co., 418 S. Wyman Street, Rockford, Illinois; Seamless hosiery; 5 percent (T); December 7, 1943.

Rome Hosiery Mills, Sixth Avenue, Rome, Georgia; Seamless hosiery; 10 percent (T); May 18, 1943.

Roseglenn Knitting Mills, 129 So. Harvin Street, Sumter, South Carolina; Seamless hosiery; October 5, 1943. 5 percent (T).

Runnymede Mills, Inc., 103 First Street, Tarboro, North Carolina; Seamless hosiery; 5 percent (T); September 24, 1943.

Rutledge Hosiery Mill Co., Inc., Rutledge, Tennessee; Seamless hosiery; 5 learners (T); October 26, 1943.

S. and W. Hosiery Mills, Englewood, Tennessee; Seamless hosiery; 5 learners (T); December 24, 1943.

Scotch Knit Hosiery Mills, 507 East 165th Street, New York, New York; Seamless hosiery; 5 learners (T); January 21, 1944.

Seagrove Hosiery Mills, Seagrove, North Carolina; Seamless hosiery; 5 learners (T); August 3, 1943.

Seneca Knitting Mills, Inc., Bridge Street, Seneca Falls, New York; Seamless hosiery; 5 percent (T); December 17, 1943.

Shuford Hosiery Mills, Inc., E. Highland Avenue, Hickory, North Carolina; Seamless hosiery; 5 percent (T); November 12, 1943.

Silver Knit Hosiery Mills, Inc., 401 S. Hamilton Street, High Point, North Carolina; Seamless hosiery; 5 percent (T); January 11, 1944.

Southland Hosiery Mills, Inc., 2210 High Point Road, Greensboro, North Carolina; Seamless hosiery; 5 learners (T); June 8, 1943.

Spalding Knitting Mills, East Broad Street, Griffin, Georgia; Seamless hosiery; 5 percent (T); November 2, 1943.

Staley Hosiery Mill Company, Staley, North Carolina; Seamless hosiery; 4 learners (T); October 22, 1943.

H. K. Stork & Company, Adamstown, Pennsylvania; Seamless hosiery; 5 learners (T); February 4, 1944.

Sulloway Hosiery Mills, Inc., River Street, Franklin, New Hampshire; Seamless hosiery; 5 percent (T); October 1, 1943.

Summers Hosiery Mills, Inc., 620 N. Shaver Street, Salisbury, North Carolina; Seamless hosiery; 5 learners (T); October 1, 1943.

Surry Hosiery Mills, Inc., 316 Willow Street, Mt. Airy, North Carolina; Seamless hosiery; 5 learners (T); January 11, 1944.

Sweetwater Hosiery Mills, 818 N. Main Street, Sweetwater, Tennessee; Seamless hosiery; 5 percent (T); August 31, 1943.

Thompson Hosiery Mills, Webb Avenue, Burlington, North Carolina; Seamless hosiery; 5 learners (T); November 30, 1943.

Thornton Knitting Company, Denton, North Carolina; Seamless hosiery; 10 learners (T); July 9, 1943.

Terry Hosiery Company, 600 S. Hamilton Street, High Point, North Carolina; Seamless hosiery; 5 learners (T); October 29, 1943.

Triangle Hosiery Company, Grimes Street, High Point, North Carolina; Seamless hosiery; 5 percent (T); October 12, 1943.

Tricnit Hosiery Mill, Tenney Road, New Ipswich, New Hampshire; Seamless hosiery; 5 learners (T); August 10, 1943.

Unique Knitting Company, Acworth, Georgia; Seamless hosiery; 5 percent (T); December 17, 1943.

Vance and Crawford, Salem Street, Kernersville, North Carolina; Seamless hosiery; 8 learners (T); April 10, 1943.

Varina Knitting Company, Varina, North Carolina; Seamless hosiery; 5 learners (T); November 9, 1943.

Vaughan Knitting Co., 2 High Street, Pottstown, Pennsylvania; Seamless hosiery; 5 percent (T); September 28, 1943.

Vermont Hosiery & Machinery Co., No. Main Street, Northfield, Vermont; Seamless hosiery; 10 percent (T); June 15, 1943.

Vestal Mills, Inc., Jackson Street, Athens, Tennessee; Seamless hosiery; 5 learners (T); November 9, 1943.

Viewmont Hosiery Mills, 2nd Street, Hickory, North Carolina; Seamless hosiery; 5 learners (T); October 15, 1943.

Waldensian Hosiery Mills, Inc., Valdes, North Carolina; Seamless hosiery; 5 percent (T); October 22, 1943.

Walker County Hosiery Mills, La Fayette, Georgia; Seamless hosiery; 10 percent (T); March 30, 1943.

Walridge Knitting Mills, Arkansas Street, Helena, Arkansas; Seamless hosiery; 5 learners (T); September 24, 1943.

Walton Hosiery Mills, Inc., Fourth & Wise Streets, Statesville, North Carolina; Seamless hosiery; 5 learners (T); August 3, 1943.

Walton Knitting Mills, Church Avenue No. Mills Street, Hickory, North Carolina; Seamless hosiery; 5 learners (T); October 15, 1943.

Whisnant Hosiery Mills, Fourth Street, Hickory, North Carolina; Seamless hosiery; 5 percent (T); December 3, 1943.

Wilkes Hosiery Mills Company, North Wilkesboro, North Carolina; Seamless hosiery; 5 percent (T); September 24, 1943.

Williamson Hosiery Mills, Englewood, Tennessee; Seamless hosiery; 5 learners (T); November 23, 1943.

Willis Hosiery Mills, Inc., Academy Street, Concord, North Carolina; Seamless hosiery; 5 percent (T); December 7, 1943.

Willstrut Hosiery Mill, 16308 Foothill Boulevard, San Leandro, California; Seamless hosiery; 5 learners (T); October 1, 1943.

Wilmington Hosiery Mills, Inc., Fifth & Monroe Street, Wilmington, Delaware; Seamless hosiery; 5 percent (T); August 24, 1943.

The Winsted Hosiery Company, 196 Holabird Avenue, Winsted, Connecticut; Seamless hosiery; 5 percent (T); October 15, 1943.

Wrenn Hosiery Company, Liberty Drive, Thomasville, North Carolina; Seamless hosiery; 5 percent (T); November 2, 1943.

Wrenn Hosiery Company, Liberty Drive, Thomasville, North Carolina; Seamless hosiery; 5 percent (T); November 2, 1943.

Yorkshire Hosiery Company, 213 North 10th Street, Reading, Pennsylvania; Seamless hosiery; 5 learners (T); July 13, 1943.

Zenith Hosiery Mills, Inc., East Highway #70, Hickory, North Carolina; Seamless hosiery; 5 learners (T); November 2, 1943.

Fleetwood Hosiers, Ltd., 1238 Locust Street, Reading, Pennsylvania; Seamless hosiery; 5 learners (T); January 11, 1944.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Blue-Bell Globe Mfg. Company, Abingdon, Illinois; Civilian overalls; U. S. Navy white trousers; 10 percent (T); March 22, 1944.

Eagle Brothers, Mahanoy City, Pennsylvania; Men's and boys' shirts; 10 percent (T); March 22, 1944.

Reliance Manufacturing Company, Hattiesburg, Mississippi; Work shirts, Navy shirts, H. B. twill jackets; 75 learners (E); July 22, 1943.

Hosiery Industry

Custom Hosiery Mills, 1234 Carpenter Street, Philadelphia, Pennsylvania; Seamless hosiery; 5 learners (T); Morrow Machine Operators, Sewing Machine Operators, Menders, Seamers and Examiners for a learning period of 480

hours at 35¢ per hour until November 23, 1943.

Signed at New York, N. Y., this 20th day of March 1943.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 43-4364; Filed, March 22, 1943;
9:33 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6401]

WESTERN UNION TELEGRAPH CO.

ORDER GRANTING APPLICATION

In the matter of changes in directory of station listings and increased rates of The Western Union Telegraph Company for service to and from various points in the United States and Canada.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of March, 1943:

It appearing, that The Western Union Telegraph Company has filed a petition requesting elimination from the proceeding herein of certain changes in directory listings, and for termination of the suspension proceeding herein with respect to such listings, and has also filed an accompanying application for special permission to file appropriate tariff schedules to effectuate favorable action on such petition; and that it has subsequently filed an additional application for special permission to file appropriate tariffs to cancel changes proposed in certain of its listings;

It further appearing, that The Western Union Telegraph Company has submitted in informal conferences data with respect to the changes in its directory of station listings involved in this proceeding which indicate that the carrier's practices with respect to the so-called "other-line" charges should be considered on a system-wide basis;

It is ordered, That said application for special tariff permission be, and the same are hereby, granted with respect to the changes in directory listings of points set forth in Exhibit A¹ attached hereto and made a part hereof;

It is further ordered, That this proceeding be, and the same is hereby, dismissed, as of the effective date of the tariffs to be filed pursuant to the special tariff permissions herein granted, without prejudice to appropriate action in a further proceeding regarding the matters involved herein.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[Docket Nos. 6495, 6496, 6497, 6498]

MACKAY RADIO AND TELEGRAPH CO. ET AL.

ORDER GRANTING APPLICATIONS

In the matter of applications of Mackay Radio and Telegraph Company,

¹ Filed as part of original document.

Docket No. 6495; Press Wireless, Inc., Docket No. 6496; R. C. A. Communications, Inc., Docket No. 6497; R. C. A. Communications, Inc., Docket No. 6498; for authority to communicate with Algiers, Algeria.

At a regular session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of March, 1943:

The Commission having under consideration the petition of Press Wireless, Inc., filed on February 25, 1943, and the petition of R. C. A. Communications, Inc., filed on March 11, 1943, for reconsideration of the Commission's action of February 19, 1943, with respect to applications filed by Mackay Radio and Telegraph Company, Press Wireless, Inc., and R. C. A. Communications, Inc. for special temporary authority to communicate with Algiers, Algeria, and for other relief; and the Commission also having under consideration the opposition to the foregoing petition of Press Wireless, Inc., filed on March 5, 1943, by Mackay Radio and Telegraph Company; and upon the Commission's reconsideration of its action of February 19, 1943, with respect to the foregoing applications for authority to communicate with Algiers, Algeria;

It is ordered, That the foregoing applications of Mackay Radio and Telegraph Company (File No. T1-SA-213), Press Wireless, Inc. (File No. T1-SA-205), and R. C. A. Communications, Inc. (File No. T1-SA-228), and the application of R. C. A. Communications, Inc. for authority to communicate with Algiers, Algeria, to provide a contact control channel, (File No. T1-SA-219), be, and they are hereby designated for consolidated hearing upon the following issues:

1. To determine the method of operation proposed by each of the respective applicants for operating a communication circuit between the United States and Algiers, Algeria;
2. To determine what classifications of messages each of the respective applicants proposes to handle between the United States and Algiers, Algeria;
3. To determine what rates are proposed by each of the respective applicants for service between the United States and Algiers, Algeria;
4. To determine which of the applicants can operate a communication circuit and a contact control channel between the United States and Algiers, Algeria in a manner most consistent with public interest, convenience or necessity under wartime conditions;
5. To determine whether public interest, convenience or necessity would be served by authorizing more than one of the applicants to communicate with Algiers, Algeria;
6. To determine whether public interest, convenience or necessity would be served by authorizing one or more of such applicants to operate a communication circuit between the United States and Algiers, Algeria, and another of such applicants to provide a contact control channel between the United States and Algiers, Algeria;
7. To determine whether in the light of the foregoing issues, public interest,

convenience or necessity would be served by a continuance of the special temporary authority heretofore issued to Mackay Radio and Telegraph Company, for authority to communicate with Algiers, Algeria, or any extension or renewal thereof.

It is further ordered, That the special temporary authority to communicate with Algiers, Algeria, granted to Mackay Radio and Telegraph Company on February 19, 1943, for a term of three months, be, and it is hereby, made subject to the disposition of the proceeding herein instituted;

It is further ordered, That the hearing herein ordered be held at the Commission's offices at Washington, D. C., beginning on the 19th day of April, 1943.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-4338; Filed, March 20, 1943;
11:44 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4833]

STANLEY J. REMUS

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of March, A. D. 1943.

In the matter of Stanley J. Remus, doing business as Stanley J. Remus & Company, P. E. Harris & Company, Kelley-Clarke Company, and Oceanic Sales Company.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under acts of Congress (38 Stat. 717; 15 U.S.C.A., section 41), and (49 Stat. 1526, U.S.C.A. section 13, as amended),

It is ordered, That John L. Hornor, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, March 29, 1943, at two o'clock in the afternoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-4333; Filed, March 20, 1943;
11:22 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 7 Under MPR 121]

BERWIND FUEL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 7 under Maximum Price Regulation No. 121—Miscellaneous Solid Fuels Delivered from Producing Facilities—Docket No. 3121-30.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.247a (b) of Maximum Price Regulation No. 121, *It is ordered:*

(a) The maximum prices the Berwind Fuel Company, 310 South Michigan Avenue, Chicago, Illinois, shall charge the Canadian Government and its customers in the New England States for briquettes it manufactures at its plant in Berwind, West Virginia, from coal obtained from Mines Nos. 9 and 11 located at Havaco, West Virginia and Capels, West Virginia, respectively, of the New River and Pocahontas Consolidated Coal Company, shall not be more than 53 cents per net ton higher than the maximum prices established for such briquettes under § 1340.249 of Maximum Price Regulation No. 121, as amended.

(b) Within thirty days from the effective date of this Order No. 7, the said Berwind Fuel Company shall inform the Canadian Government and its purchasers of briquettes in the New England States of the adjustments granted in this order.

(c) This Order No. 7 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.248 of Maximum Price Regulation No. 121 shall apply to the terms used herein.

(e) This Order No. 7 shall become effective as of January 23, 1943.

Issued this 19th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4279; Filed, March 19, 1943;
2:53 p. m.]

[Order 33 Under MPR 122, Amendment 1]

POCAHONTAS FUEL COMPANY, INCORPORATED

ORDER GRANTING ADJUSTMENT

Amendment No. 1 to Order No. 33 under Maximum Price Regulation No. 122—Solid Fuel Delivered From Facilities other than Producing Facilities—Dealers—Docket No. 3122-229.

For the reasons set forth in an opinion, issued simultaneously herewith, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and paragraph (c) of Order No. 33 under Maximum Price Regulation No. 122, *It is hereby ordered*, That paragraph (b) is amended to read as follows:

(b) Subject to all provisions of Revised Maximum Price Regulation No. 122, except § 1340.256 (d) which shall not apply to sales and purchases for which maximum prices are established by said Order No. 33, bituminous coal may be sold at the prices per net ton listed below for the indicated sizes delivered over the respective docks of the Pocahontas Fuel Company, Incorporated, as follows:

	Port-land	Salem	New Bedford
Domestic run-of-mine.....	\$7.70	\$7.57	\$7.35
Straight run-of-mine.....	7.45	7.32	7.32
Nut and slack.....	7.28	7.15	7.13
Slack.....	7.12	6.99	7.00
Nut.....	7.34	7.20	7.20
Pea.....	7.20	7.06	7.06

Amendment No. 1 to Order No. 33 under Maximum Price Regulation No. 122 shall become effective March 20, 1943.
Issued this 19th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4284; Filed, March 19, 1943;
2:54 p. m.]

[Order 9 Under Rev. MPR 125]

SCOVILL MANUFACTURING COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 9 under Revised Maximum Price Regulation No. 125—Nonferrous Castings—Docket No. 3125-18.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and § 1395.12 of Revised Maximum Price Regulation No. 125, *It is hereby ordered:*

(a) The Scovill Manufacturing Company of Waterbury, Connecticut, hereinafter referred to as "the applicant," may sell and deliver and any person may buy and receive from the applicant nonferrous castings produced by the applicant's Morency-Van Buren Division of Sturgis, Michigan, the same, or of the same class, as those sold or contracted to be sold by the applicant during the period from October 1 to October 15, 1941, inclusive, and those sold, contracted to be sold or delivered by the applicant during the period from May 11, 1942 to January 31, 1943, inclusive, at the maximum prices prescribed by § 1395.3 of Revised Maximum Price Regulation No. 125: *Except*, That in determining the maximum prices of nonferrous castings under that section the applicant need not make the reductions required by paragraph (b) of that section.

(b) The applicant may sell and deliver to any person and any person may buy and receive from the applicant nonferrous castings produced by the applicant's Morency-Van Buren Division of Sturgis, Michigan, whose maximum price cannot be determined under paragraph (a) of this Order at the maximum prices prescribed by § 1395.4 of Revised Maximum Price Regulation No. 125: *Except*, That instead of using the pricing formula or method prescribed by paragraph (a) of that section, the applicant shall use the pricing formula and method set out in a letter dated March 1, 1943, addressed to the Office of Price Administration and signed by Mr. T. H. Van Buren which is a supplement to application for adjustment heretofore filed by the applicant with the Office of Price Administration and assigned Docket Number 3125-18.

(c) All prayers in the applicant's application for adjustment, Docket Number 3125-18, not granted herein, are hereby denied: *Except*, That for the purposes of the wage increase case that the applicant has pending before the War Labor Board, this application for adjustment shall be deemed to have been filed in accordance with the requirements of Supplementary Order No. 28.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective as of February 1, 1943.
Issued this 19th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4280; Filed, March 19, 1943;
2:53 p. m.]

[Order 14 Under MPR 126, as Amended]

KRAMER MINES, INC.

ORDER GRANTING ADJUSTMENT

Order No. 14 under Maximum Price Regulation No. 126, as amended—Fluorspar.

For the reasons set forth in the opinion issued simultaneously herewith, *It is hereby ordered*, That:

(a) Under the provisions of § 1376.1 (c) (3) of Maximum Price Regulation No. 126, as amended, the following maximum prices, f. o. b. Salida, Colorado, are established for ceramic grade fluorspar sold or offered for sale by Kramer Mines, Inc., 201 Continental Oil Building, Denver, Colorado. These prices are determined to be in line with the level of maximum prices established by § 1376.1 of said regulation.

(1) The maximum price f. o. b. consumer's plant for any shipment of ceramic grade fluorspar shall be \$30.00 a ton plus either (i) railroad freight on such shipment from Salida, Colorado, to the consumer's plant, or (ii) railroad freight from Rosiclare, Illinois, to the consumer's plant, whichever is lower.

(2) The maximum price f. o. b. Salida, Colorado, for ceramic grade fluorspar shall be the maximum delivered price as determined under subparagraph (1) less freight from Salida to the consumer's plant.

(b) This Order No. 14 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 14 shall become effective March 20, 1943.

Issued this 19th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4282; Filed, March 19, 1943;
2:52 p. m.]

[Order 9 Under MPR 127]

JACK ABRAMS FABRICS, ET AL.

ORDER DENYING AN EXCEPTION

Order No. 9 under Maximum Price Regulation No. 127—Finished Piece Goods.

The petitioners named in Paragraph (b) of this Order No. 9 filed petitions for exception pursuant to § 1400.82 (i) (3) of Maximum Price Regulation No. 127. Due consideration has been given to the petitions, and an opinion in support of this Order No. 9 has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) That the petitions listed in paragraph (b) of this order be, and they hereby are, denied.

(b) List of petitions.

Docket No.	Petition and Address in New York, N. Y.
3127-540----	Jack Abrams Fabrics, 171 Madison Ave.
3127-632----	Frances Brooks Fabrics, 1441 Broadway.
3127-180----	City Fabric Sales Co., 141 West 40th St.
3127-656----	J. F. Comins, 320 Broadway.
3127-622----	Denis-Greenburg, Inc., 468 Seventh Ave.
3127-265----	H. P. Greenberg Company, 350 Broadway.
3127-32----	Wolff Greenberg Sons, 256 West 38th St.
3127-642----	Halperin, Tratner, Inc., 1412 Broadway.
3127-338----	Alfred L. Helwith, 66 Worth St.
3127-335----	Daniels Lawson Co., Inc., 180 Madison Ave.
3127-467----	D. Levin Textile Co., Inc., 239-241 West 39th St.
3127-140----	Jacob Levin, 105 West 40th St.
3127-604----	Albert B. McConnell, 1140 Broadway.
3127-178----	Mart Fabrics Company, 1441 Broadway.
3127-647----	A. M. Perlman, Inc., 1412 Broadway.
3127-126----	Schein Textiles Corporation, 24-26 East 21st St.
3127-625----	The Spunbrite Company, 1441 Broadway.
3127-174----	Vanetta Sportscloth Corp., 1441 Broadway.
3127-171----	Harry Vincent & Company, 395 Broadway.
3127-600----	Herbert Waldman Fabrics, Inc., 171 Madison Ave.

This Order No. 9 shall become effective March 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4281; Filed, March 19, 1943; 2:53 p. m.]

[Order 22 Under MPR 157]

PURITAN KNITTING MILLS COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 22 under Maximum Price Regulation No. 157—Sales and Fabrica-

tion of Textiles, Apparel and Related Articles for Military Purposes—Docket No. 1157-2-P.

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with § 1378.2 (c) of Maximum Price Regulation No. 157, *It is ordered:*

(a) The Puritan Knitting Mills Company of Altoona, Pennsylvania, may sell to the United States Army worsted O. D. knitted sweaters (conforming to the specifications of contract W669 QM-18645, Philadelphia Quartermaster Depot, United States Army) at prices not in excess of \$4.083 per sweater.

(b) With respect to deliveries of the commodity described in paragraph (a) on and after June 27, 1942, The Puritan Knitting Mills Company may receive payment under Maximum Price Regulation No. 157 at a price not exceeding \$4.083 per sweater.

(c) Any contracts subject to Maximum Price Regulation No. 157 entered into by the Puritan Knitting Mills Company at a price exceeding \$4.083 per sweater shall be revised accordingly; any payments made to the applicant exceeding \$4.083 per sweater shall be refunded to the purchaser; and within 30 days after the date on which this Order No. 22 was mailed to it, The Puritan Knitting Mills Company shall file a statement with this Office to the effect that such contracts, if entered into, were so revised and that such refunds, if required, were made.

(d) All prayers of the protest not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective March 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4283; Filed, March 19, 1943; 2:52 p. m.]

[Order 213 Under MPR 188]

ASBESTOS-LIMITED, INC.

ORDER GRANTING ADJUSTMENT

Order No. 213 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other than Apparel.

For the reasons stated in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered, That:*

(a) Asbestos-Limited, Inc., is authorized to sell, deliver, or offer for sale, and all persons are authorized to buy asbestos-cement board manufactured by the company, in carload or ten-ton truckload lots, without packaging, f. o. b. Millington, New Jersey, at the following prices:

	Per sq. ft.
For board 3/16" thick-----	\$.05
For board 1/4" thick-----	.05½
For board 3/8" thick-----	.09

(b) A charge in addition to the maximum prices provided in paragraph (a) may be made for packing. The charge may not be more than ¾ of one cent per square foot or \$2.50 per crate, whichever is lower.

(c) All prayers in the petition not granted herein are denied.

(d) This Order No. 213 may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4285; Filed, March 19, 1943; 2:52 p. m.]

[Order 214 Under MPR 188]

CENTURY GRANITE CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 214 under § 1499.161 (a) of Maximum Price Regulation No. 188—Manufacturers' Maximum Price for Specified Building Materials and Consumers' Goods Other Than Apparel. Authorization of Maximum Prices for Granite Memorials Fabricated and Sold by Century Granite Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and under § 1499.161 of Maximum Price Regulation No. 188, *It is hereby ordered, That:*

(a) The maximum prices at which Century Granite Company, Snyder, Oklahoma, is authorized to sell, deliver, or offer for sale granite memorials fabricated from "century stone" shall be a price f. o. b. point of production not higher than 52% of the prices set forth in the St. Cloud Estimating Guide.

(b) The maximum prices established in paragraph (a) above shall be subject to a discount of 5% for payment within 15 days of the date of invoice.

(c) Century Granite Company shall cause the following written notice to be sent to all persons to whom it sells granite memorials fabricated from "century stone":

The Office of Price Administration has permitted us to raise our maximum prices for sales to you of granite memorials fabricated from "century stone", as follows:

A price not higher than 52% of the prices set forth in the St. Cloud Estimating Guide, f. o. b. point of production.

The amount of the increase of these prices over our previous maximum prices represents only that part of cost increases which we were unable to absorb, and was granted with the understanding that wholesale and retail prices would not be raised. The Office

of Price Administration has not permitted you or any other seller to raise the maximum prices on a resale of any of these items.

(d) All prayers of the petition not granted herein are denied.

(e) This Order No. 214 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 214 shall become effective March 20, 1943.

Issued this 19th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4286; Filed, March 19, 1943;
2:52 p. m.]

[Order 4 Under MPR 214]

THE CALORIZING COMPANY
ORDER GRANTING RELIEF

Order No. 4 under Maximum Price Regulation No. 214—High Alloy Castings—Docket No. 3214-6.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

(a) The Calorizing Company of Pittsburgh, Pennsylvania, may sell to the General Electric Company and General Electric Company may purchase from The Calorizing Company high chrome-nickel alloy castings at prices not in excess of those set forth in contract proposal No. 17447, dated January 4, 1943, to General Electric Company, a copy of which has been received and is on file with this Office.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 4 shall be effective as of January 26, 1943.

Issued this 19th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4278; Filed, March 19, 1943;
2:54 p. m.]

[Order 2 Under MPR 58]

WILLIAM KAUFMAN
ORDER GRANTING ADJUSTMENT

Order No. 2 under § 1410.51 (b) (3) Maximum Price Regulation No. 58—Wool and Wool Tops and Yarns. Establishment of maximum price for 172 bales of greasy Australian wool.

On November 19, 1942, William Kaufman of 79 Wall Street, New York, New York, made application under § 1410.51 (b) (3) of Revised Price Schedule No. 58 for authorization to determine a maximum price for 172 bales of greasy Australian wool. Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and has

been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

(a) That William Kaufman may sell and any person may buy from him 172 bales of greasy Australian wool, or any part thereof, at a price, or prices not in excess of 98¢ per pound, clean basis, duty paid, covering all charges inclusive of war risk insurance.

(b) That William Kaufman may sell and any person may buy from him 20 bales of the greasy Australian wool hereinbefore mentioned in paragraph (a) hereof, or any part thereof, at a price, or prices not in excess of a maximum price which shall be determined in the following manner:

(1) Convert the 98¢ duty paid clean basis price to a grease basis price based upon the yield of clean wool estimated by the United States customs, then add

- (i) The actual charges paid for scouring;
- (ii) Transportation charges to scouring plant actually paid but in no case in excess of \$.50 per hundredweight of grease wool;
- (iii) Actual charges paid for sorting but in no case in excess of \$1.00 per hundredweight of grease wool.

(2) Divide the sum obtained in paragraph 1 above by the number of pounds of scoured wool obtained in order to secure the price per pound scoured.

(3) Add to the price per pound scoured, the sum of 5¢ to obtain the price per pound which may be charged for the carbonized wool.

This order shall become effective March 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4293; Filed, March 19, 1943;
4:50 p. m.]

[Order 75 Under RPS 64]

OAKLAND FOUNDRY CO.
ORDER GRANTING ADJUSTMENT

Order No. 75 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves. Approval of maximum for Oakland Foundry Company, Belleville, Illinois.

On January 28, 1943, the Oakland Foundry Company, Belleville, Illinois, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices for a new model coal heater designated in the application as model 20-CE.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion

* 7 F.R. 1329, 1386, 2000, 2132, 4404, 5872, 6221, 8948; 8 F.R. 1974.

and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Oakland Foundry Company may sell, offer for sale, transfer or deliver its model 20-CE to dealers in the Central States at a price not to exceed \$36.30 f. o. b. factory, subject to discounts, allowances and terms no less favorable than those in effect with respect to the comparable model 1620, as established under Revised Price Schedule No. 64.

(b) Oakland Foundry Company may sell, offer for sale, transfer or deliver its model 20-CE at a price no higher than the following:

To dealers:

\$38.54 F. O. B. destination, in the New England States, and New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida.

\$41.00 F. O. B. destination, in the Rocky Mountain and Pacific Coast States (Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Nevada, Arizona, Washington, Oregon and California).

subject to discounts, allowances, and terms no less favorable than those in effect with respect to the comparable model 1620, as established under Revised Price Schedule No. 64.

(c) Dealers may sell and deliver to consumers the model 20-CE manufactured by the Oakland Foundry Company at a price no higher than that set forth below. These maximum prices do not include any amount for installation or delivery by the dealer to the consumer:

\$62.70 in the Rocky Mountain and Pacific Coast States (Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Nevada, Arizona, Washington, Oregon, and California).

\$59.50 in the New England States, and New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida.

\$57.00 in the Central States.

(d) Before delivering the model 20-CE the Oakland Foundry Company shall attach securely to the stove so that it is clearly visible, a durable tag or label bearing in easily readable lettering the following statement:

Retail ceiling prices for this model 20-CE coal heater:

\$62.70 in Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Nevada, Arizona, Washington, Oregon, and California.

\$59.50 in the New England States, and New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida.

\$57.00 in the Central States.

(e) Before offering to sell the model 20-CE, the dealer shall, in the appropriate space on the tag, fill in his selling price:

(f) This Order No. 75 may be revoked or amended by the Price Administrator at any time.

(g) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(h) This Order No. 75 shall become effective on the 19th day of March 1943. Issued this 18th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4289; Filed, March 19, 1943; 4:51 p. m.]

[Amendment 1 to Order 165 Under MPR 188]

EDGAR BROTHERS COMPANY

AUTHORIZATION OF MAXIMUM PRICE

Amendment No. 1 to Order No. 165 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Authorization of a maximum price for Edgar Brothers Company, Metuchen, New Jersey, for "Kao-Lite" a light weight calcined aggregate.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, paragraph (a) of Order No. 165, issued pursuant to § 1499.158 of Maximum Price Regulation No. 188, is hereby amended to read as set forth below:

(a) Specific authority is hereby granted to Edgar Brothers Company, Metuchen, New Jersey, to sell and deliver to any person f. o. b. its plant located at McIntyre, Georgia, "Kao-Lite" a light weight calcined aggregate @ \$40.00 per net ton.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued and effective this 18th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4292; Filed, March 19, 1943; 4:53 p. m.]

[Order 210 Under MPR 188]

SQUARECUT PUZZLE COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 210 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel. Approval of maximum prices for sales by Squarecut Puzzle Company, of a new puzzle.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Squarecut Puzzle Company, 636 Eleventh Avenue, New York, New York, is authorized to sell and deliver its new puzzle, designated in its application of January 27, 1943, as "Squarecut Puzzle", at prices to retailers, f. o. b. New York, New York, no higher than \$5.00 per dozen.

(b) This Order No. 210 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 210 shall become effective on the 19th day of March 1943. Issued this 18th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4288; Filed, March 19, 1943; 4:51 p. m.]

[Order 211 Under MPR 188]

SPEED CHECKER COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 211 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel. Approval of maximum prices for sales by Speed Checker Company of a new game.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Speed Checker Company, 218 Linwood Avenue, Bogota, New Jersey, is authorized to sell and deliver its new game, designated in its application of January 23, 1943, as "Speed Checkers" at prices to chain stores, f. o. b. Bogota, New Jersey, no higher than \$.063 per unit.

(b) This Order No. 211 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 211 shall become effective on the 19th day of March 1943. Issued this 18th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4290; Filed March 19, 1943; 4:50 p. m.]

[Order 212 Under MPR 188]

WILLIAM C. STEINDEL

APPROVAL OF MAXIMUM PRICES

Order No. 212 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel. Approval of maximum prices for sales by William C. Steindel, of a new game.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) This Order No. 212 sets maximum prices for sales of a new game, designated in the application as "House", manufactured by William C. Steindel, R. D. #3, Moscow, Pennsylvania:

(1) For a sale by the manufacturer to retailers, the maximum price is \$.60 per unit, f. o. b. Moscow, Pennsylvania.

(2) For a sale by the manufacturer to the consumer, the maximum price is \$1.00 per unit.

(b) This Order No. 212 may be revoked or amended by the Price Administrator at any time.

This Order No. 212 shall become effective on the 19th day of March 1943. Issued this 18th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4291; Filed, March 19, 1943; 4:51 p. m.]

[Administrative Exception Order 1 Under Ration Order 12]

IMPORT OF GREEN COFFEE BY REPRESENTATIVES OF FOREIGN GOVERNMENTS

Section 1407.959 of Ration Order No. 12 prohibits the transfer of green coffee to a consumer. Since representatives of foreign governments are within the definition of consumers in Ration Order No. 12, the Collectors of Customs are precluded by this section from releasing green coffee to such representatives who have imported such green coffee.

To continue the courtesy customarily extended by the United States Government to certain representatives of foreign governments and to accord such representatives the courtesies extended by their governments to representatives of the United States Government,

It is hereby ordered, That, upon request by the Department of State, the Treasury Department may authorize Collectors of Customs to transfer green coffee to representatives of foreign governments who are within the classes of persons specified in Article 432 (a) or Article 433 (c), Customs Regulations of 1937, and that such representatives of foreign governments may acquire, by import, green coffee.

This shall become effective March 20, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421, and 729, 77th Cong.; Executive Order 9125, 7 F.R. 2719; Executive Order 9280, 7 F.R. 10129; WPB Dir. No. 1, Supp. Dir. No. 1-R; Food Dir. 3, 8 F.R. 2005)

Issued this 20th day of March 1943.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 43-4331; Filed, March 20, 1943; 11:14 a. m.]

[Order 215 Under MPF 188]

MASTER SURGICAL INSTRUMENT CORP.

APPROVAL OF MAXIMUM PRICES

Order No. 215 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of maximum prices for sale by the Master Surgical Instrument Corporation of a line of surgical instruments.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered, That:*

(a) The maximum prices at which the following surgical instruments manufactured by the Master Surgical Instrument

Corporation, Irvington, New Jersey, may be sold or delivered are those set forth below:

Item	Manufacturer's maximum price to distributors		Distributor's maximum price		
	Dozen	Gross lots, price per dozen	To Hospitals		To physicians, unit price
			Unit	Dozen	
Chrome Haemostatic Forceps:					
C-110 Halstead's mosquito	\$21.00	\$19.20	\$2.70	\$28.80	\$3.60
C-111 Halstead's mosquito	21.00	19.20	2.70	28.80	3.60
C-112 Kelly's	21.00	19.20	2.70	28.80	3.60
C-113 Kelly's	21.00	19.20	2.70	28.80	3.60
C-114 Crile's	21.00	19.20	2.70	28.80	3.60
C-115 Crile's	21.00	19.20	2.70	28.80	3.60
C-116 Rankin-Kelly's	25.20	22.20	3.15	33.60	4.20
C-117 Rankin-Crile's	25.20	22.20	3.15	33.60	4.20
C-118 Rochester-Pean's	25.20	22.20	3.15	33.60	4.20
C-119 Rochester-Pean's	25.20	22.20	3.15	33.60	4.20
C-120 Rochester-Carmalt's	25.20	22.20	3.15	33.60	4.20
C-121 Rochester-Carmalt's	25.20	22.20	3.15	33.60	4.20
C-210 Kocher's	25.20	22.20	3.15	33.60	4.20
C-211 Kocher's	25.20	22.20	3.15	33.60	4.20
C-212 Rochester-Ochsner's	25.20	22.20	3.15	33.60	4.20
C-213 Rochester-Ochsner's	25.20	22.20	3.15	33.60	4.20
C-214 Rochester-Ochsner's	30.60	27.00	3.80	40.80	5.10
C-215 Rochester-Ochsner's	30.60	27.00	3.80	40.80	5.10
Chrome Needle Holders:					
C-310 Mayo-Hegar's	30.00	26.40	3.75	39.60	5.00
C-311 Mayo-Hegar's	31.80	28.20	4.00	42.60	5.30
Chrome Towel Clamps:					
C-410 Backhaus'	23.40	21.00	2.90	31.80	3.90
C-411 Backhaus'	25.20	22.20	3.15	33.60	4.20
C-412 Backhaus-Roeder's	26.40	23.40	3.30	35.40	4.40
Chrome Tissue Forceps:					
C-413 Allis'	27.00	24.00	3.35	36.00	4.50
C-414 Allis'	27.00	24.00	3.35	36.00	4.50
C-510 Michel's Skin Clip: Applying and removing forceps	30.60	27.00	3.80	40.80	5.10
Stainless Haemostatic Forceps:					
S-110 Halstead's Mosquito	28.20	25.20	3.55	37.80	4.70
S-111 Halstead's Mosquito	28.20	25.20	3.55	37.80	4.70
S-112 Kelly's	28.20	25.20	3.55	37.80	4.70
S-113 Kelly's	28.20	25.20	3.55	37.80	4.70
S-114 Crile's	28.20	25.20	3.55	37.80	4.70
S-115 Crile's	28.20	25.20	3.55	37.80	4.70
S-116 Rankin-Kelly's	33.00	29.40	4.15	44.40	5.50
S-117 Rankin-Crile's	33.00	29.40	4.15	44.40	5.50
S-118 Rochester-Pean's	33.00	29.40	4.15	44.40	5.50
S-119 Rochester-Pean's	33.00	29.40	4.15	44.40	5.50
S-120 Rochester-Carmalt's	33.00	29.40	4.15	44.40	5.50
S-121 Rochester-Carmalt's	33.00	29.40	4.15	44.40	5.50
S-210 Kocher's	33.00	29.40	4.15	44.40	5.50
S-211 Kocher's	33.00	29.40	4.15	44.40	5.50
S-212 Rochester-Ochsner's	34.20	30.60	4.30	45.60	5.70
S-213 Rochester-Ochsner's	34.20	30.60	4.30	45.60	5.70
S-214 Rochester-Ochsner's	37.20	33.00	4.65	49.80	6.20
S-215	37.20	33.00	4.65	49.80	6.20
Stainless Steel Needle Holders:					
S-310 Mayo-Hegar's	36.60	32.40	4.60	48.60	6.10
S-311	38.40	34.20	4.80	51.60	6.40
Stainless Towel Clamps:					
S-410 Backhaus'	30.60	27.00	3.85	40.80	5.10
S-411 Backhaus'	33.00	29.40	4.15	44.40	5.50
S-412 Backhaus-Roeder's	35.40	31.20	4.45	46.80	5.90
Stainless Tissue Forceps:					
S-413 Allis'	36.00	31.80	4.50	48.00	6.00
S-414 Allis'	36.00	31.80	4.50	48.00	6.00
S-510 Michel's Skin Clip: Applying and removing forceps	37.20	33.00	4.65	49.80	6.20
Chrome General Operating Scissors:					
C-610 operating scissors	12.00	10.80	1.50	16.20	2.00
C-611 operating scissors	12.00	10.80	1.50	16.20	2.00
C-612 operating scissors	12.00	10.80	1.50	16.20	2.00
C-613 operating scissors	12.00	10.80	1.50	16.20	2.00
C-614 operating scissors	12.00	10.80	1.50	16.20	2.00
C-615 operating scissors	12.00	10.80	1.50	16.20	2.00
C-616 operating scissors	12.00	10.80	1.50	16.20	2.00
C-617 operating scissors	12.00	10.80	1.50	16.20	2.00
C-618 Mayo dissecting scissors	12.00	10.80	1.50	16.20	2.00
C-619 Mayo dissecting scissors	12.00	10.80	1.50	16.20	2.00
C-620 Mayo dissecting scissors	15.60	13.80	1.95	20.40	2.60
C-621 Mayo dissecting scissors	15.60	13.80	1.95	20.40	2.60
Chrome Bandage Scissors:					
C-710 Lister's	12.00	10.80	1.50	16.20	2.00
C-711 Lister's	15.60	13.80	1.95	20.40	2.60
Stainless General Operating Scissors:					
S-610 operating scissors	18.00	16.20	2.25	24.60	3.00
S-611 operating scissors	18.00	16.20	2.25	24.60	3.00
S-612 operating scissors	18.00	16.20	2.25	24.60	3.00
S-613 operating scissors	18.00	16.20	2.25	24.60	3.00
S-614 operating scissors	18.00	16.20	2.25	24.60	3.00
S-615 operating scissors	18.00	16.20	2.25	24.60	3.00
S-616 operating scissors	18.00	16.20	2.25	24.60	3.00
S-617 operating scissors	18.00	16.20	2.25	24.60	3.00
S-618 Mayo dissecting scissors	18.00	16.20	2.25	24.60	3.00
S-619 Mayo dissecting scissors	18.00	16.20	2.25	24.60	3.00
S-620 Mayo dissecting scissors	22.80	20.40	2.85	30.60	3.80
S-621 Mayo dissecting scissors	22.80	20.40	2.85	30.60	3.80
Stainless Bandage Scissors:					
S-710 Lister's	18.00	16.20	2.25	24.60	3.00
S-711 Lister's	22.80	20.40	2.85	30.60	3.80

The manufacturer may add 5 percent to the price charged the distributor when less than one dozen of an item is pur-

chased or when the order totals less than \$100. The above distributor prices to physicians are net while those to

hospitals shall be subject to credit terms of 2%, 10 days or net 30 days.

(b) At or prior to the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser of the maximum prices and the conditions set by this Order for resales by the purchaser. This notice may be given in any convenient form.

(c) This Order No. 215 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 215 shall become effective on the 22d day of March 1943.

Issued this 20th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4332; Filed March 20, 1943; 11:14 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-277]

GENERAL PUBLIC UTILITIES, INC., AND
SOUTHWESTERN PUBLIC SERVICE COMPANY.

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 18th day of March A. D. 1943.

General Public Utilities, Inc., a registered holding company, and its subsidiary company, Southwestern Public Service Company, having filed with this Commission a request for the withdrawal of said companies' joint application seeking approval of the sale to Washington Gas and Electric Company of all of the issued and outstanding capital stock of the following subsidiaries of Southwestern Public Service Company, namely, Arizona Electric Power Company, Flagstaff Electric Light Company, Holbrook Light and Power Company and Southwestern Ice Company;

The capital stock of the above named subsidiary companies of Southwestern Public Service Company having been sold, Southwestern Public Service Company, Holding Company Act Release No. 4129, the Commission consents to the withdrawal of the application hereinabove referred to, and to that effect, *It is so ordered.*

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-4266; Filed, March 19, 1943; 12:09 p. m.]

[File Nos. 811-442, 811-211, 811-243]

STANDARD EQUITIES CORP., ET AL.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of March, A. D. 1943.

In the matter of Standard Equities Corporation, successor to Standard In-

vesting Corporation, and International Equities Corporation.

Standard Equities Corporation, a registered investment company, having filed an application pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that Standard Investing Corporation and International Equities Corporation have ceased to be investment companies within the meaning of said Act;

It is ordered, Pursuant to section 40 (a) of the said Act, that a hearing on the aforesaid application be held on the 29th day of March 1943 at 10:00 a. m., Eastern War Time, in Room 318 of the Securities and Exchange Building at 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Willis E. Monty, Esq., or any other officer of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 43-4267; Filed, March 19, 1943; 12:09 p. m.]

[File No. 37-4]

MIDLAND UNITED CO., ETC., ET AL.

ORDER RECONVENING HEARING AND DESIGNATING NEW TRIAL EXAMINER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of March 1943.

In the matter of Midland United Company, Trustee, Midland Stock Transfer Company, Northern Indiana Public Service Company, Chicago, South Shore and South Bend Railroad, Indiana Service Corporation.

The Commission having, on July 31, 1936, found that Midland Stock Transfer Company, a wholly owned subsidiary of Midland United Company, a registered holding company in reorganization under section 77B of the Bankruptcy Act, might appropriately function as a subsidiary service company, and having on that date issued an order permitting such operations; two amendments having subsequently been filed, one on August 8, 1942, and the other on September 4, 1942; after appropriate notice a public hearing was held on said amendments, which hearing was continued subject to the call of the trial examiner; and

It now appearing appropriate that such hearing be reconvened primarily for the purpose of closing the record; and it further appearing that the trial

examiner heretofore designated to preside is now engaged in other matters and accordingly is unable to preside in this proceeding:

It is therefore ordered, That a hearing be held on March 22, 1943, at 11 o'clock a. m., or as soon thereafter as counsel can be heard, in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to where such hearing will be held.

It is further ordered, That Charles S. Moore, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act, and to a trial examiner under the Commission's Rules of Practice.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 43-4268; Filed, March 19, 1943; 12:10 p. m.]

[File No. 70-613]

ASSOCIATED ELECTRIC COMPANY AND STATEN ISLAND EDISON CORPORATION

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of March, A. D. 1943.

Associated Electric Company, a registered holding company, and Staten Island Edison Corporation, a subsidiary of New York State Electric & Gas Corporation and an indirect subsidiary of NY PA NJ Utilities Company, a registered holding company, having filed declarations, as amended, pursuant to sections 12 (b), 12 (c), and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-43 promulgated thereunder, in regard to the following transactions: Associated Electric Company proposes to acquire \$2,222,000 principal amount of its own 4½% bonds, due January 1, 1953, from Staten Island Edison Corporation for a cash consideration of \$1,130,442.50, plus accrued interest. State Island Edison Corporation proposes to advance the sum of \$1,050,000 to its subsidiary, Richmond Light and Railroad Company, to enable such company to redeem, at the call price of 105, the entire outstanding issue of \$1,000,000 principal amount of its first and collateral trust 4% 50-year gold bonds, due July 1, 1952, secured by assets of the said Staten Island Edison Corporation;

Hearings with respect to said declarations, as amended, having been held after appropriate notice, the Commission having heard oral argument, being duly advised in the premises and having entered its findings and opinion herein;

It is hereby ordered, On the basis of said findings and opinion that the afore-

said declarations be and hereby are permitted to become effective forthwith.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 43-4262; Filed, March 19, 1943; 12:09 p. m.]

[File No. 1-2859]

FULLER MANUFACTURING COMPANY

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of March, A. D. 1943.

The Fuller Manufacturing Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, \$1 Par Value, from listing and registration on The Chicago Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Wednesday, April 28, 1943, at the office of the Securities and Exchange Commission, 105 West Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 43-4263; Filed, March 19, 1943; 12:09 p. m.]

[File No. 43-139]

OKLAHOMA POWER AND WATER CO.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of March, A. D. 1943.

Oklahoma Power and Water Co., a subsidiary of The Middle West Corporation, a registered holding company, having filed declarations pursuant to the Public Utility Holding Company Act of 1935 regarding three proposed transactions as follows:

(1) To prepay \$100,000 principal amount of its 5% unsecured promissory notes aggregating \$412,000 and due August 1, 1943, as heretofore extended, to the payee, Sand Springs Home, Sand Springs, Oklahoma, and to extend the maturity of the principal amount of \$312,000, so that payments will be made upon principal at the rate of \$4,000 monthly from September 1, 1943 to August 1, 1947 and at the rate of \$5,000 monthly from September 1, 1947 to August 1, 1949, and to issue two unsecured promissory notes in the amounts of \$172,000 and \$140,000, respectively, as evidence of the amount due;

(2) To prepay \$100,000 principal amount of collateral notes held by Harris Trust and Savings Bank, The Chase National Bank of the City of New York, City National Bank and Trust Company of Chicago, American National Bank and Trust Company of Chicago, National Bank of Tulsa, First National Bank and Trust Company (Tulsa, Oklahoma), and First National Bank and Trust Company (Oklahoma City, Oklahoma) due July 27, 1944 in the aggregate principal amount to \$1,575,000, and to cancel \$420,000 principal amount of its first mortgage 5% 20 year gold bonds, Series B due February 1, 1949, and \$80,000 principal amount of its first mortgage 5% 20 year gold bonds, Series A due February 1, 1948, previously deposited with said banks as collateral;

(3) To change its existing issues of common and preferred stock, all of which are held by said The Middle West Corporation into 23,141 shares of capital stock of the par value of \$100 per share; and

Said declarations having been filed on February 10, 1943, and amendments thereto having been filed on March 4, 1943, and March 11, 1943, and notice of filing having been given in the form and manner prescribed in Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said declarations within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and Oklahoma Power and Water Co. having requested that prior action be taken upon the above proposed transactions numbered (1) and (2) and that jurisdiction be reserved with regard to transaction number (3); and

The Commission finding with respect to transactions (1) and (2) above under section 7 of said Act that the requirements of section 7 (c) are satisfied and that no adverse findings are necessary under section 7 (d) and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declarations with respect to transactions (1) and (2) above to become effective forthwith:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declarations with respect to transactions (1) and (2) be, and hereby are, permitted to become effective

forthwith, and jurisdiction is reserved with regard to transaction number (3).

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-4264; Filed, March 19, 1943;
12:09 p. m.]

[File No. 70-664]

STANLEY CLARKE, ETC., ET AL.

MEMORANDUM OPINION AND ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of March, 1943.

In the matter of Stanley Clarke, trustee of Associated Gas and Electric Company; Denis J. Driscoll and Willard L. Thorp, trustees of Associated Gas and Electric Corporation.

ACQUISITION OF SECURITIES BY REGISTERED HOLDING COMPANY OR SUBSIDIARY—EXEMPTION

Application pursuant to section 9 (c) (3) of the Act, filed by trustees, for exemption from the provisions of section 9 (a) of the Act, regarding acquisition of securities as part of compromises of claims of the estates, granted, the compromises having been approved by the bankruptcy court and the transactions being found not detrimental to the public interest or the interest of investors or consumers.

ACQUISITION OF SECURITIES BY ISSUER—EXEMPTION

Application-declaration filed by trustees for exemption from the rules promulgated under the Act, regarding acquisition of securities as part of compromises of claims of the estates, granted under the provisions of Rule U-100, the compromises having been approved by the bankruptcy court and compliance with the requirements of Rule U-42 being found not necessary or appropriate in the public interest or for the protection of investors and consumers.

An application-declaration has been filed jointly by Stanley Clarke, Trustee of Associated Gas and Electric Company (hereinafter referred to as "Ageco"), a registered holding company, and Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation (hereinafter referred to as "Agecorp"), a registered holding company. Both companies are in reorganization under Chapter X of the Bankruptcy Act.

The applicants-declarants have entered into agreements to compromise their claims and those of their direct and indirect subsidiaries and affiliates against Daniel Starch and against Travis, Brownback & Paxson. As part of such agreements Travis, Brownback & Paxson will deliver to the applicants-declarants certain debentures of Agecorp, which are to be delivered to the Trustees of Agecorp for cancellation, and certain shares of Ageco stock, which are to be delivered to the Trustee of Ageco for cancellation. The agreement to compromise claims against Daniel Starch involves the transfer and de-

livery from Daniel Starch to the applicants-declarants of various securities of Ageco, Agecorp, and certain subsidiary companies, together with certain other assets. After deduction for expenses of investigation, negotiation, settlement, and distribution incidental to these proposed settlements, the applicants-declarants will, with the requisite court and commission approvals, allocate and distribute said securities and other assets to, or among, the Trustees of Ageco and Agecorp, and their subsidiaries and affiliates, in such proportions as may be appropriately determined. The proposed transaction which is the subject of this application-declaration is only the initial delivery to the applicants-declarants of the securities referred to.

After appropriate notice, a public hearing was held on the matter, at which no one appeared to object to the proposed transactions.

The proposed settlements have been approved by the United States District Court for the Southern District of New York, and certified copies of the orders of that court appear in the record.

The proposed transaction by the trustees of the two estates involves an acquisition subject to the provisions of section 9 of the Public Utility Act of 1935. Pursuant to section 9 (c) (3), this Commission is empowered to grant exemptions from the provisions of section 9 (a) "within such limitations, as the Commission may by rules and regulations or order prescribe as appropriate in the ordinary course of business of a registered holding company or a subsidiary company thereof and as not detrimental to the public interest or the interest of investors or consumers."

The applicants-declarants herein are all trustees appointed in accordance with the provisions of the Bankruptcy Act, and their duties as such, as defined in section 47 (a) of that Act include the collection of claims available to the estates. In this context, the proposed acquisitions may properly be said to be within "the ordinary course of business" of the applicants-declarants.

We find that the proposed transactions are not detrimental to the public interest, or the interest of investors or consumers, and that the proposed transactions are properly the subject for an exemption from the provisions of section 9 (a) of the Act.

We also find that compliance with the requirements of Rule U-42 of the general rules and regulations promulgated pursuant to the Public Utility Holding Company Act of 1935, is not necessary or appropriate in the public interest or for the protection of investors and consumers, and therefore that the proposed transactions are properly the subject for an exemption under the provisions of Rule U-100.

It is therefore ordered, That, pursuant to section 9 (c) (3) of the Public Utility Holding Company Act of 1935 and to Rule U-100 of the general rules and regulations promulgated thereunder, the transaction embraced by the applica-

tion-declaration herein be, and hereby is, granted an exemption from the requirements of section 9 (a) of the Act and from the rules promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-4265; Filed, March 19, 1943;
12:09 p. m.]

[File No. 1-2836]

LINCOLN SERVICE CORP.

ORDER SETTING HEARING ON APPLICATION TO
WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of March, A. D. 1943.

In the matter of Lincoln Service Corporation 7% Cumulative Prior Preferred Stock, \$50 Par Value, Common Stock, \$1 Par Value.

The Lincoln Service Corporation, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its 7% Cumulative Prior Preferred Stock, \$50 Par Value, and its Common Stock, \$1 Par Value, from listing and registration on the Washington Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Friday, April 23, 1943, at the office of the Securities and Exchange Commission, 14th and K Streets, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-4336; Filed, March 20, 1943;
11:44 a. m.]

[File No. 1-1797]

ALADDIN GOLD MINING CO., LTD.

ORDER FOR HEARING AND DESIGNATING OFFICER
TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 19th day of March, A. D., 1943.

In the matter of proceeding under section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, to determine whether the registration of Aladdin Gold Mining Company, Ltd. common stock, 10¢ par value should be suspended or withdrawn.

I.

It appearing to the Commission:

That Aladdin Gold Mining Company, Ltd., a corporation organized under the laws of the State of Nevada, is the issuer of common stock, 10¢ par value; and

That said Aladdin Gold Mining Company Ltd., registered such common stock on the San Francisco Mining Exchange by filing with the exchange and with the Commission on or about April 15, 1938 an application on Form 8-A pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and Rule X-12B-1, as amended, promulgated by the Commission thereunder, registration pursuant to such application having become effective June 19, 1938 and remaining in effect to and including the date hereof; and

It further appearing to the Commission:

That Rule X-13-1, promulgated pursuant to section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by Aladdin Gold Mining Company, Ltd.; and

That said Rule X-13A-1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the instruction book applicable to the particular form; that the Instruction Book for Form 10-K does not prescribe any period other than such 120 days; and that pursuant to said Rule X-13A-1 the annual report must be filed within such period unless the registrant files with the Commission a request for an extension of time to a specified date within six months after the close of the fiscal year; and

That said Aladdin Gold Mining Company, Ltd., has a fiscal year ended December 31, that the annual report for its fiscal year ended December 31, 1941 was due to be filed not later than April 30, 1942; that the registrant made a request for extension of time within which to file such report; that the time for filing was extended by the Commission to September 15, 1942; that on September 29, 1942 the registrant filed a report purporting to cover a fiscal year ended June 30, 1941; that the annual report for the fiscal year ended December 31, 1941 was not filed within the time prescribed for filing said report or at any later date;

II.

The Commission having reasonable cause to believe that:

Aladdin Gold Mining Company, Ltd., has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, as amended, and Rules X-13A-1 and X-13A-2 promulgated thereunder, in that (1) it has failed to file its annual report for the year ended December 31, 1941, within the date prescribed for filing said report and (2) it has failed to file such annual report at any later date; and

III.

It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended:

It is ordered, Pursuant to section 19 (a) (2) of said Act, that a public hearing be held to determine whether Aladdin Gold Mining Company, Ltd., has failed to comply with section 13 of the Securities Exchange Act of 1934, as amended, and the Rules, Regulations and Forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the common stock, 10¢ par value of Aladdin Gold Mining Company, Ltd., on said San Francisco Mining Exchange.

It is further ordered, Pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing William J. Cogan, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 5th day of April, 1943, at 10:00 A. M. E. W. T. at the Regional Office of the Securities Exchange Commission, 120 Broadway, New York, N. Y., and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-4335; Filed March 20, 1943;
11:44 a. m.]

WAR PRODUCTION BOARD.

NOTICE TO BUILDERS AND SUPPLIERS OF
ISSUANCE OF REVOCATION ORDERS REVOKING
AND STOPPING CONSTRUCTION OF
CERTAIN PROJECTS

The Director General for Operations of the War Production Board has issued certain revocation orders listed in Sched-

ule A below, revoking preference rating orders issued in connection with, and stopping the construction of the projects affected. For the effect of each such order upon preference ratings, construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued March 19, 1943.

CURTIS E. CALDER,
Director General for Operations.

SCHEDULE A

Serial No.	Builder	Project location	Date of issuance of revocation order
519-77000-308	Harry P. Olddings, 6040 13th Place, N. W., Washington, D. C.	Hanna Place, 51st St. and H St., SE. Washington, D. C.	3/15/43
152-77-081-000-332	J. W. Collins, Cline St., Clarksville, Tenn.	N. 34 St., in Cumberland Terrace Subdivision, Lot 27, Clarksville, Tenn.	3/15/43
7-126-000249	Grecky Development, Inc., 6816 N. Grecky Ave., Portland, Ore.	SE 1/4 between SE. 84th and SE. 86th, Portland, Ore.	3/15/43
321-77-112-00182	William L. Quinn, Jr., 307 Walnut Hill Lane, Dallas, Tex.	Lots 1, 2, 3, 4, 5, 6 Bk. 36; Lots 1, 2, 3, 4, 5, 6 Bk. 31 Cochran Place Addition, Dallas, Tex.	3/15/43
805-77-018-261	Warren Murray, Inc., Broadway and Railroad Ave., Bethpage, N. Y.	Russell, Helena and Leroy Sts., Central Park, N. Y.	3/15/43
2259-77-122-001941	H. O. Johnson, 6043 West 25th St., Los Angeles, Calif.	Harris St., between Washington Blvd. and Venice Blvd., Los Angeles, Calif.	3/15/43
2188-77-122-001834	Kenneth W. Koll, 901 W. 69th St., Los Angeles, Calif.	3505 Tuller Ave., 4064 Huron Ave., 3131 Roberts Ave., Culver City, Calif.	3/15/43
1592-77-122-001383	Pearl Fain, 2143 North Gower St., Los Angeles, Calif.	Victory Blvd., corner Parish Place, Burbank, Calif.	3/15/43
48-77-122-000130	Dehn C. McCluskey, 148 South Maple, Montebello, Calif.	6556 Alliston St., Los Angeles, Calif.	3/15/43
672-77-122-000707	L. P. Messinger, 1714 Magnolia Blvd., Burbank, Calif.	415 North Reese St., Burbank, Calif.	3/15/43
132-77-122-000137	H. Torkelson, 2657 West 9th St., Los Angeles, Calif.	896 and 810 E. 129th St., Hawthorne, Calif.	3/15/43
1130-77-122-000454A	Kenmore Construction Co., 1558 North Vine St., Los Angeles, Calif.	1305 North Crescent Heights Blvd., Hollywood, Calif.	3/15/43
900-77-122-000873	Clarence L. Fine, 1059 S. Manhattan Place, Los Angeles, Calif.	McDivitt St., Compton, Calif.	3/15/43
1022-77-122-000859	Ray V. Jones, Elizabeth Hotel, Burbank, Calif.	2236-10 North Buena Vista St., Burbank, Calif.	3/15/43
147-77-122-000290	A. C. Nelson, 3757 Wilshire Blvd., Los Angeles, Calif.	616-626-630-636 Via Barola and 630-660-670 Via Veranada, Long Beach, Calif.	3/15/43
763-77-122-000673	Victor Wilson, 1106 Houston St., North Hollywood, Calif.	Lots 61-62 Tract 8719 Phillippi St., San Fernando, Calif.	3/15/43

[F. R. Doc. 43-4301; Filed, March 19, 1943; 5:00 p. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS PARTIALLY REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The Director General for Operations of the War Production Board has issued certain revocation orders listed in Schedule A below, partially revoking preference rating orders issued in connection with, and partially stopping the construction of the projects affected. For the effect of each such order upon preference ratings, construction of the project, and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued March 19, 1943.
CURTIS E. CALDER,
Director General for Operations.

No. 57—12

SCHEDULE A

Serial No.	Builder	Project location	Date of issuance of revocation order
4054-77-122-000666	O. E. Stout, 215 West Palm, San Diego, Calif.	Fortuna Street between Jewel and Shasta and on Roosevelt between Kendall and Sequoia, San Diego, Calif.	3/15/43
3932-77-122-000591	John Anderson, 641 25th St., San Diego, Calif.	"G" Street between 25th and 26th Sts., San Diego, Calif.	3/15/43
213-7031-141	Colonial Colonies Corp., 109 Engle St., Tenafly, N. J.	Lincoln Ave., etc., Maywood, N. J.	3/15/43
212-7031-140	Colonial Colonies Corp., 109 Engle St., Tenafly, N. J.	Crest Drive N. and Crest Drive S., Cresskill, N. J.	3/15/43

[F. R. Doc. 43-4302; Filed, March 19, 1943; 5:00 p. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF STOP CONSTRUCTION ORDERS STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The Director General for Operations of the War Production Board has issued certain stop construction orders listed in Schedule A below, stopping the construction of the projects affected. For the effect of each such order upon construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued March 19, 1943.
CURTIS E. CALDER,
Director General for Operations.

SCHEDULE A

Name and address of builder	Project affected	Date of issuance of revocation order
New Jersey State Highway Dept., Trenton, N. J.	Middlesex Co., New Jersey (St. Rte. 18, Section 1).	3/11/43.

[F. R. Doc. 43-4303; Filed, March 19, 1943; 5:00 p. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The Director General for Operations of the War Production Board has issued certain revocation orders listed in Schedule A below, revoking preference rating orders issued in connection with, and stopping the construction of the projects affected. For the effect of each such order upon preference ratings, construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued March 19, 1943.
CURTIS E. CALDER,
Director General for Operations.

SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Project affected	Date of issuance of revocation order
P-19-h.....	8228	International Shoe Co., St. Louis, Mo.	Wood River Tannery, Hartford, Ill.	3/11/43

WAR HOUSING STAFF SERVICE BRANCH LIST OF COMPLETE REVOCATIONS				
Serial No.	Builder	Project location	Date of issuance of revocation order	
079-77-115-00003	Cordie Morgan, 1625 Olmas Drive, San Antonio, Tex.	Haggin St. and 923 Steves Ave., San Antonio, Tex.	3/9/43	
047-77-115-00062	C. T. Roberts, Cor. Pleasanton Rd. and Military Drive, San Antonio, Tex.	First St., San Jose Townsite, San Antonio, Tex.	3/9/43	
078-77-115-00092	C. T. Roberts, Cor. Pleasanton Rd. and Military Drive, San Antonio, Tex.	First St., San Jose Townsite, San Antonio, Tex.	3/9/43	
184-7115-00244	Joe Parsur, 229 Thomas Jefferson, San Antonio, Tex.	Steves Ave., San Antonio, Tex.	3/9/43	
201-7115-00248	Parkview Estates, Inc., 1300 Donaldson Ave., San Antonio, Tex.	Parkview Estates, San Antonio, Tex.	3/9/43	
196-7115-00283	Musset Realty Co., P. O. Box 1166, Corpus Christi, Tex.	Eighteenth, Corpus Christi, Tex.	3/9/43	
206-7115-00289	Mrs. David Salik, 616 Beecher & Beecher, 302 King William, San Antonio, Tex.	N.W. Corner Meredith Drive, and Wilson, 2849 E. Houston St., San Antonio, Tex.	3/9/43	
217-7115-00303	Mrs. Margaret E. Mills, 1038 Gulf St., San Antonio, Tex.	2849 E. Houston St., San Antonio, Tex.	3/9/43	
279-7115-00311	Elijah B. King, 323 Ira, San Antonio, Tex.	311 Elmhurst, San Antonio, Tex.	3/9/43	
234-7115-00289	Harlingen Builders, Inc., Harlingen, Tex.	Tyler & Taylor, Harlingen, Tex.	3/9/43	
227-7115-00302	Carl L. Dusing, 1001 Park Ave., Corpus Christi, Tex.	Roosevelt Ave., Adams St., Corpus Christi, Tex.	3/9/43	
229-7115-00307	Defense Home Builders, Inc., 508 Texas Theatre Bldg., San Antonio, Tex.	201 West Main St., San Antonio, Tex.	3/9/43	
257-7115-00333	Defense Home Builders, Inc., 508 Texas Theatre Bldg., San Antonio, Tex.	1511 Loma, San Antonio, Tex.	3/9/43	
580-77-018-183	Belcherse Building Co., 657 East 26th St., Brooklyn, N. Y.	N/S Harrison Ave. bet. Greenwich St. and Eldridge Pl., Hempstead, N. Y.	3/9/43	
319-77-018-118	Woodland Manor, Inc., 163-18 Jamaica Ave., New York.	214 St., S/Union Turnpike, Hollis, N. Y.	3/9/43	
87-77-018-069	Carter Development Co., Inc., 19 Lathimer Ct., Rockville Center, N. Y.	Chelsea and Evans Rds., Oceanside, N. Y.	3/9/43	
86-77-018-039	Joseph Saffme, 282 Suydam St., Brooklyn, N. Y.	Bannock Ave., Floral Gardens, Franklin Square, N. Y.	3/9/43	
36-77-018-011	Hemingway Homes, Inc., 9128-181 St., Jamaica, N. Y.	Utopia Pkway, Jewel Ave., 175 and 174 Sts., Jamaica Estates, Jamaica, N. Y.	3/9/43	
356-77-031-179	Equity Builders, Inc., 233 West 42d St., New York City, N. Y.	SE Cor. Baker St. and Goodale Ave., Dover, N. J.	3/9/43	
371-77-031-297	Equity Builders, Inc., 233 West 42d St., New York City, N. Y.	NE/S Sanford Ave., Belleville, N. J.	3/9/43	
190-77-031-137	Lomrose Construction Co., 1143 East Jersey St., Elizabeth, N. J.	Miloria and Genser Sts., Linden, N. J.	3/9/43	
711-77-031-413	Joseph St., Elizabeth, N. J.	W/S Second St. bet. Edsall Blvd. and Falisades Blvd., Falisades Park, N. J.	3/9/43	
383-77-031-233	Quality Homes, Inc., 33 Mercer St., Hackensack, N. J.	Standish St., Hackensack, N. J.	3/9/43	
102-77-031-24	Manor Low Cost Homes, Inc., Lohmann Place, Dumont, N. J.	Hunting Drive, Dumont, N. J.	3/9/43	
158-77-031-17	Persyl Const. Co., Inc., P. O. Box #13, Dumont, N. J.	Merritt Park Subdivision #478, Dumont, N. J.	3/9/43	
159-77-031-12	Persyl Const. Co., Inc., P. O. Box #13, Dumont, N. J.	Slocum Way and Mackay Drive, Fort Lee, N. J.	3/9/43	
552-77-034-00031	Brenton Services Corp., Girard Trust Bldg., Philadelphia, Pa.	S/S Preston Lane bet. Hahero Airport and Schweder Farm. Both sides New and Jaxon Rds., bet. Preston and Stanton Lanes, Exton, Upper Merion and Twp. Montgomery County, Pa.	3/9/43	

SCHEDULE A—Continued

Serial No.	Builder	Project location	Date of issuance of revocation order
287-77-117-00085	E. N. Millem, Pryor, Okla.	308-310 North Elliot St., Pryor, Okla.	3/9/43
165-7073-00645	Thomas J. Herron, 1015 N. Neidebach, Evansville, Ind.	1823 Jeanette Ave., Wichita, Kans.	3/9/43
163-77-102-178	Dan W. Langhofer, 1617 Jackson Ave., Wichita, Kans.	Glebe Rd. Between Commonwealth Ave. and Mt. Vernon Ave., Alexandria, Va.	3/9/43
461-77000-383	Glebe Building Corp., 2425 Mt. Vernon Ave., Alexandria, Va.	24th and N. Kentucky Sts., Arlington, Va.	3/9/43
069-77000-57	Wm. S. Phillips, Jr., 373 N. Glebe Road, Arlington, Va.	Fowler St. Lot 8 Bk 5, W. Falls Church, Va.	3/9/43
629-77000-579	Charles W. Lucas, 2161 N. Lincoln St., Arlington, Va.	Moncure Drive, Alexandria, Va.	3/9/43
450-77000-177	V. B. Connelly, 101 S. Wash. St., Alexandria, Va.	711-1531st St. SE., bet. Mass. Ave. and K St. SE., Washington, D. C.	3/9/43
339-77000-945	R. D. Greenschlag, 6934 Georgia Ave. NW, Washington, D. C.	Cherry St. bet. Westover and Hillwood Ave., Falls Church, Va.	3/9/43
433-77000-300	Orlo G. Dennis, 4807 11th St. N., Arlington, Va.		3/9/43

[F. R. Doc. 43-4304; Filed, March 19, 1943; 5:00 p. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS PARTIALLY REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The Director General for Operations of the War Production Board has issued certain revocation orders listed in Schedule A below, partially revoking preference rating orders issued in connection with, and partially stopping the con-

struction of the projects affected. For the effect of each such order upon preference ratings, construction of the project, and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued March 19, 1943.

CURTIS E. CALDER,
Director General for Operations.

SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Project affected	Date of issuance of revocation order
P-19-e-----	13570	Illinois Dept. of Pub. Wks. and Bldgs., Div. of Hwys., Springfield, Ill.	U. S. Rte. 40 Mulberry Grove toward Vandalia; Ill. SN-FA 9-P (2) (F. A. Rte. 12, Sec. P-2B); SN-FA-9-0 (2) (F. A. Rte. 12, Sec. 0-2B).	3/9/43

WAR HOUSING STAFF SERVICE BRANCH LIST OF PARTIAL REVOCATIONS

Serial No.	Builder	Project location	Date of issuance of revocation order
099-77-115-000109 (10 units of 25)	Harlingen Builders, Inc., Harlingen, Tex.	East Polk St., Harlingen, Tex.	3/9/43
105-7115-00129 (6 units of 8)	W. D. Waddell, 1154 York Ave., Corpus Christi, Tex.	Villa and Dixon Drives, Corpus Christi, Tex.	3/9/43
170-7115-00178 4 units of 20)	Paul Clark, 114 East Vanderbilt Dr., Corpus Christi, Tex.	Vanderbilt and Adams Dr., Corpus Christi, Tex.	3/9/43

WAR HOUSING STAFF SERVICE BRANCH LIST OF PARTIAL REVOCATIONS—Continued

Serial No.	Builder	Project location	Date of issuance of revocation order
132-7115-00187 (32 units of 40)	Jefferson Manor Co., 1001 Donaldson Ave., San Antonio, Tex.	Donaldson Ave., San Antonio, Tex.	3/9/43
151-7115-00214 (10 units of 25)	Harlingen Builders, Inc., P. O. Box 488, Harlingen, Tex.	McKinley and Roosevelt, Harlingen, Tex.	3/9/43
255-7115-00328 (8 units of 10)	Johnson Development Corp., 1208 Milam Bldg., San Antonio, Tex.	Hearne Ave., San Antonio, Tex.	3/9/43
691-77-018-196 (7 units of 10)	Morton C. Stewart Homes, Inc., Merrick Road, Copiague, N. Y.	Grant Ave., Great Neck Rd., Lincoln and Harding Sts., Copiague, N. Y.	3/9/43
230-77-018-92 (38 units of 41)	Bayside Park Homes, Inc., 49-11 216 St., Bayside, N. Y.	54 Avenue, Luke Pl., 53 Ave., Bayside, N. Y.	3/9/43
173-77-018-66 (9 units of 15)	William A. Gatke, Huntington Station, N. Y.	Parkway Drive, Huntington Station, N. Y.	3/9/43
244-77-031-132 (8 units of 10)	M. & P. Builders, Inc., 880 Bergen Ave., Jersey City, N. J.	Grant Ave., South Plainfield, N. J.	3/9/43
249-77-031-157 (8 units of 15)	Paterno-Halpern Home Bldrs., Inc., 133 Glenbrook Parkway, Englewood, N. J.	S. Prospect Ave., and Dudley Dr., Bergenfield, N. J.	3/9/43
211-77-031-131 (6 units of 11)	Bazzano Built Homes, River Rd. and Graphic Blvd., New Milford, N. J.	Graphic Blvd., New Milford, N. J.	3/9/43
226-77-031-70 (1 unit of 2)	Frank Cuneo, 342 Main St., Hackensack, N. J.	Thirteenth Ave., East Paterson, N. J.	3/9/43
340-77-031-117 (3 units of 10)	Ponte Constr. Co., Inc., 415 East 31st St., Paterson, N. J.	Maplewood Ave., East Paterson, N. J.	3/9/43
182-77-031-11 (19 units of 30)	W. H. Whyte Constr. Co., 382 Railroad Ave., Hackensack, N. J.	Redrock Estate Subdivision, Fair Lawn, N. J.	3/9/43
314-77-034-000272 (23 units of 46)	A. P. Orleans & Co., 100 W. Rockland St., Philadelphia, Pa.	5109 Block "D" St., Philadelphia, Pa.	3/9/43
510-77000-403 (1 unit of 3)	Wm. E. Melton, 809 Heron Drive, Silver Spring, Md.	Langley Drive, Silver Spring, Md.	3/9/43
572-77000-492 (65 units of 230)	Standard Construction, 416 15th St., NW., Washington, D. C.	Eastern Ave., Blair Mill Rd. and Newell St., Silver Spring, Md.	3/9/43
276-77000-129 (3 units of 8)	Consolidated Improvement Co., Inc., 1509 Girard St., NW., Washington, D. C.	4200 Blocks of Edson, Foote, and Grant St., NE., Washington, D. C.	3/9/43
008-77000-9 (49 units of 69)	Mercer Bldg. Co., 549 9th St., NW., Washington, D. C.	Forrester St., Galveston St., SW., Washington, D. C.	3/9/43
397-77000-317 (8 units of 40)	Michael Walsh, 815 11th St. NW., Washington, D. C.	Foote St. and Edson Pl. between 42d St. and 44th Pl. NE., Washington, D. C.	3/9/43

[F. R. Doc 43-4305; Filed, March 19, 1943; 5:00 p. m.]

[Notice Regarding Proposed CMP Regulation No. 6]

CONSTRUCTION AND FACILITIES

The issuance of proposed CMP Regulation No. 6 covering procedures for obtaining controlled materials for construction and facilities under the Controlled Materials Plan has been postponed pending a revision of processing procedures and standardization of forms.

All current construction jobs authorized in accordance with War Production

Board orders prior to February 17, 1943, have been assigned to individual Claimant Agencies. The Claimant Agencies consist of the following: War Department, Navy Department, Maritime Commission, Aircraft Resources Control Office, Office of Lend-Lease Administration, Board of Economic Warfare, Office of Civilian Supply, Department of Agriculture, Office of Defense Transportation, Office of Rubber Director, Facilities Bureau of the War Production Board, Petroleum Administration for

War, National Housing Agency and Office of War Utilities Director.

Claimant Agencies have contacted jobs under their jurisdiction, requesting applications for controlled materials. The following forms are being used: Form CMP-OCE No. 1—War Department; CMP-14; CMP-15 and CMP-4C—Office of Civilian Supply; Forms CMP-16; CMP-17 and CMP-4C—Facilities Bureau; and Form CMP-4C—All other Claimant Agencies.

In the case of construction projects authorized subsequent to February 17, 1943, instructions will be issued to the consumers involved indicating the Claimant Agency to which applications for controlled materials are to be directed and the specific application forms to be used. Applications for authorization to construct will, until further notice, be made in accordance with existing procedures.

All of the provisions of CMP Regulation No. 1 are applicable to construction operations with the following exceptions. None of the provisions of such regulation respecting the authorization of or compliance with production schedules applies to construction and the provisions of paragraph (s-1), restricting the placement of authorized controlled material orders to specified quantities, do not apply to construction. Preference ratings assigned to construction projects may be applied or extended only for the purpose of acquiring those items of materials specifically approved in connection with the issuance of the authorization to construct. Numbers identifying allotments for construction may be used along with such preference ratings in the same manner as provided in CMP Regulation No. 3 governing preference ratings assigned to production schedules.

Issued this 22d day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-4404; Filed, March 22, 1943; 11:24 a. m.]

